

Extra Ordinary Part-V / 2019

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EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LX]

FRIDAY, FEBRUARY 8, 2019/MAGHA 19, 1940

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PROVINCIAL MUNICIPAL CORPORATIONS (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 1 OF 2019.

A BILL

*further to amend the Gujarat Provincial Municipal Corporations
Act, 1949.*

It is hereby enacted in the Seventieth Year of the republic of India as follows:-

1. This Act may be called the Gujarat Provincial Municipal Corporations (Amendment) Act, 2019.

Short title.

**Amendment
of section 45
of Bom. LIX
of 1949.**

2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the principal Act”), in section 45,-

**Bom. LIX of
1949.**

(i) for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) The Corporation may from time to time, with the approval of the State Government, create as many posts of Deputy Municipal Commissioner or Assistant Municipal Commissioner or such other officers as it considers necessary. The State Government may, while granting approval to the Corporation, apportion the number of such posts that may be filled by the Corporation and the number of such posts that may be filled by the State Government by appointing its officers.”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely :-

“(4) Every appointment made under this section, excepting an appointment of a Municipal Secretary made by the Corporation or an appointment of a Deputy Municipal Commissioner, an Assistant Municipal Commissioner or such other officers made by the State Government, shall be subject to confirmation by the State Government; and any officer whose appointment the State Government refuses to confirm shall be removed from the office forthwith.”.

(iii) in sub-section (5), for the word, brackets and figure “sub-section (1)”, the words, brackets and figures “sub-section (1) or a vacancy in any office specified in sub-section (2) so far as the appointment is made by the Corporation,” shall be substituted.

**Amendment
of section 53
of Bom. LIX
of 1949.**

4. In the principal Act, in section 53, in sub-section (1), after the words “excepting the Deputy Municipal Commissioner or the Assistant Municipal Commissioner”, the words “or such other officers appointed by the State Government” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Existing provision of sub-section (2) of section 45 of the Gujarat Provincial Municipal Corporations Act 1949, empowers the State Government to appoint its officers as the Deputy Municipal Commissioner and Assistant Municipal Commissioner as the said officers having wider exposure and experience of various Government Departments in order to secure better implementation of the flagship programmes of the State Government and to secure better co-ordination between the State as well as the Central Government Agencies while discharging municipal functions.

However, it is felt that in order to have better implementation of the functions entrusted to the municipal corporations, it is necessary to empower the municipal corporations also to appoint some of such officers. It is therefore, considered necessary to enable both the State Government as well as the concerned municipal corporations to appoint Deputy Municipal Commissioners or the Assistant Municipal Commissioners or such other officers to secure better implementation of Government policies on one hand and on the other hand, to carry out the day to day municipal functions under various provisions of the Gujarat Provincial Municipal Corporations Act, 1949. The provision of sub-section (2) of section 45 is required to be amended to the extent which would also enable to Corporation to appoint such officers either by way of direct recruitment or by the officers from within the Corporation or by both. Accordingly, sub-section (2) of section 45 of the said Act is proposed to be amended. Certain consequential provisions of sections 45 and 53 of the said Act are also proposed to be amended.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 7th February, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 8th February, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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The following Bill is published with the consent of the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT HOUSING BOARD (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 2 OF 2019.

A BILL

further to amend the Gujarat Housing Board Act, 1961.

It is hereby enacted in the Seventieth Year of the republic of India as follows:-

1. This Act may be called the Gujarat Housing Board (Amendment) Act, 2019. **Short title.**

Insertion of
new Chapter in
Guj. 28 of 1961.

2. In the Gujarat Housing Board Act, 1961, after Chapter VI, the following Chapter shall be inserted, namely:- **Guj. 28 of 1961.**

“CHAPTER VI-A

RE-DEVELOPMENT OF BUILDINGS OR APARTMENTS

Re-
development
of buildings or
apartments.

60A.(1) Notwithstanding anything contained in this Act, any work in relation to the re-development of a buildings or apartments may be carried out by the Board, on such terms and conditions as may be prescribed, after obtaining the consent of not less than 75 per cent. of the owners or occupiers of such building:

Provided that, in respect of such building,-

- (i) a period of twenty-five years must have been completed, from the date of issuance of permission for development by the concerned Authority, or
- (ii) the concerned Authority has declared that such building is in ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof.

Explanation.-For the purpose of this section, the expression “re-development” shall have the meaning as assigned to it in the Comprehensive General Development Control Regulations, 2017.

(2) It shall be obligatory for all the owners or occupiers to vacate the existing premises for the purpose of re-development whenever the Board decides to take up the procedure for re-development of building after following due procedure of sub-section (1):

Provided that if any owner or occupier does not vacate the premises, the Board shall cause to be served one month notice to the said owner or occupier for vacating the existing premises:

Provided further that the Board or, as the case may be, the individual agency shall have to provide alternate accommodation or rent in *lieu* of alternate accommodation to the owners or occupiers for the period of re-development.

(3) In case of failure to vacate the existing premises as provided in sub-section (2) above, the owners or occupiers shall be treated as unauthorized occupant on the land of the Board. The competent authority shall effect summary eviction of such owner or occupier in accordance with the provisions laid down in sub-section (3) of section 56 of the Gujarat Housing Board Act, 1961, as far as practicable.”.

Guj. 28 of 1961.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Housing Board Act, 1961 has been enacted to consolidate and amend the law relating to the Housing Board in the State of Gujarat.

While implementing the provisions of the said Act, it has been observed that certain buildings under the said Act, though require re-development, it is not possible to undertake such re-development due to lack of consensus among all the members of the association of owners or occupiers of such buildings. It has also been noticed that if such buildings are not re-developed in time, there is a likelihood of risk of life to the residents therein. With a view to overcome such problems and difficulties, it is considered necessary to amend the said Act suitably.

In view of the above, the said Act is proposed to be amended so as to provide for re-development of the dilapidated buildings, after obtaining the consent of not less than 75 per cent. of the owners or occupiers of the such buildings.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respects:--

Clause 2.—New section 60A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the terms and conditions subject to which any work in relation to the re-development of buildings and apartments may be carried out.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 7th February, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 8th February, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT SHOPS AND ESTABLISHMENTS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) BILL, 2019.

GUJARAT BILL NO. 3 OF 2019.

A BILL

*to provide for regulation of conditions of employment and other conditions
of service of workers employed in shops and other establishments
and for matters connected therewith or incidental thereto.*

It is hereby enacted in the Seventieth Year of the Republic of India
as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Shops and Establishments
(Regulation of Employment and Conditions of Service) Act, 2019.

Short title,
extent,
application and
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) The provisions of this Act, except section 7, shall apply to the shops and establishments employing ten or more workers; and the provisions of section 7 shall apply to the shops and establishments employing less than ten workers.

(4) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "day" means the period of twenty-four hours beginning at midnight;

(b) "employer" means a person owning or having control over the affairs of an establishment, and includes,—

- (i) in the case of a firm or association of individuals, a partner or member of the firm or association;
- (ii) in the case of a company, a director of the company;
- (iii) in the case of an establishment owned or controlled by the Central Government or a State Government or any local authority, the person or persons appointed to manage the affairs of such establishment by the Central Government or the State Government or the local authority, as the case may be;

(c) "establishment" means an establishment which carries on, any business, trade, manufacture or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or exchange or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession or manufacture; and includes, -

- (i) establishment of any medical practitioner (including hospital, dispensary, clinic, polyclinic, maternity home and such others), architect, engineer, accountant, tax consultant or any other technical or professional consultant;

XXI of 1860.

(ii) a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or work in connection with or incidental or ancillary thereto;

(iii) shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment; to whom the provisions of the Factories Act, 1948 do not apply ;

LXIII of 1948.

(iv) such other establishment as the State Government may, by notification in the *Official Gazette*, declare to be an establishment for the purposes of this Act;

(d) “factory” means any premises and the precincts thereof which is a factory within the meaning of clause (m) of section 2 and section 85 of the Factories Act, 1948;

LXIII of 1948.

(e) “holiday” means a day on which a worker shall be given a weekly off under the provisions of this Act;

(f) “Inspector” means an Inspector appointed under section 24;

(g) “leave” means a leave mentioned in Chapter IV of this Act;

(h) “local authority” means,-

(i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949;

Bom. LIX of 1949.

(ii) a Municipality constituted under the Gujarat Municipalities Act, 1963;

Guj. 34 of 1964.

(iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993;

Guj. 18 of 1993.

(i) “member of the family of an employer” means the wife, husband, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

- (j) “opened” means opened for the service of any customer, or for any business of the establishment, or for work, by or with the help of any worker of or connected with the establishment;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “register of establishments” means a register maintained for the registration of shops and establishments under this Act, either manually or in electronic format;
- (m) “registration certificate” means a certificate of the registration of a shop or establishment;
- (n) “shift” means where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a group or relay and each of such period is called a shift;
- (o) “shop” means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers, and includes an office, a store-room, godown, warehouse or work place, whether in the same premises or otherwise, mainly used in connection with such trade or business, but does not include a factory;
- (p) “spread-over” means the period between the commencement and the termination of the work of a worker on any day;
- (q) “wages” means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes-
 - (i) any remuneration payable under any award or settlement between the parties or under any order of a court or tribunal;

- (ii) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
- (iii) any additional remuneration payable under the terms of employment;
- (iv) any sum which, by reason of the termination of employment of the person employed, is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions;
- (v) any sum to which the person employed is entitled under any scheme framed under any law, for the time being in force; and
- (vi) house rent allowance payable in cash,

but does not include-

- (a) any bonus, which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or under any order of a court;
- (b) the value of any accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the State Government;
- (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
- (d) any travelling allowance or the value of any travelling concession;

- (e) any sum paid to the employed person to defray special expenses entailed to him by the nature of his employment; or
- (f) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (iv);
- (r) “week” means the period of seven days beginning at midnight of Saturday;
- (s) “worker” means any person including a person engaged through an outsourcing agency (except an apprentice under the Apprentices Act, 1961) employed to do any manual, unskilled, skilled, technical, operational or clerical work for hire or reward, whether the terms of employment be express or implied. 52 of 1961.

**Act not to
apply to
certain
persons and
premises.**

3. (1) The provisions of this Act shall not apply to,—

- (a) establishments of the Central or the State Government;
- (b) establishments of local authorities;
- (c) offices of Reserve Bank of India;
- (d) a worker whose work is inherently intermittent;
- (e) a member of the family of an employer.

(2) A list of the workers referred to in clauses (d) and (e) shall be displayed at a conspicuous place in the shop or establishment and a copy of thereof shall be sent to the Inspector.

**Application of
the Act to
other
establishments
and workers.**

4. (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the *Official Gazette*, declare any establishment or class of establishments to which, or any worker or person or class of workers or persons to whom, this Act or any of the provisions thereof does not for the time being apply, to be an establishment or class of establishments or a worker or a person or class of workers or persons to which or whom this Act or any provisions thereof with such modifications or adaptations as may in

the opinion of the State Government be necessary shall apply from such date as may be specified in the notification.

(2) On such declaration under sub-section (1), any such establishment or class of establishments or such worker or person or class of workers or persons shall be deemed to be an establishment or class of establishments to which, or to be a worker or a person or class of workers or persons to whom, this Act applies and all or any of the provisions of this Act with such modification or adaptation as may be specified in such declaration, shall apply to such establishment or class of establishments or to such worker or persons or class of workers or persons.

5. The State Government may, by notification in the *Official Gazette*, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it may deem fit on account of any festive or other occasions.

**Suspension
of the
operation of
provisions
of the Act.**

CHAPTER II

REGISTRATION OF SHOPS AND ESTABLISHMENTS

6. (1) Within a period of sixty days from the date of commencement of this Act or the date on which any shop or establishment commences its business, the employer of every shop and establishment shall submit an application in a prescribed form for registration to the concerned Inspector, together with such fees and such self-declaration and self-certified documents as may be prescribed:

**Registration of
shops or
establishments.**

Provided that, nothing contained hereinabove shall apply to the shops and establishments already having valid registration under the Gujarat Shops and Establishments Act, 1948 until the expiry of their registration.

**Bom. LXXIX
of 1948.**

(2) On receipt of the application along with the documents and the fees, the Inspector shall, register the shop or establishment in the register of establishments in such manner as may be prescribed and shall issue, in a prescribed form, a registration certificate to the employer within the prescribed time limit. The registration certificate shall be produced whenever it is demanded by the Inspector.

(3) A registration certificate issued under sub-section (2) shall remain in force from the date of issue till the change in ownership or nature of business takes place. In case of change in ownership or nature of business, the employer of every establishment shall have to obtain the fresh registration certificate.

**Intimation by
establishment
having less
than ten
workers.**

7. (1) Within a period of sixty days from the date of the commencement of this Act or the date on which establishment commences its business, the employer of every establishment employing less than ten workers shall give an intimation of having commenced the business to the Inspector in whose jurisdiction the establishment is located, by submitting online application in the prescribed form together with such self-declaration and self-certified documents, as may be prescribed, containing details such as name of the employer and manager, name of the establishment, nature of business, number of workers and such other details as may be prescribed. The Inspector shall issue to the employer of such establishment, a receipt of intimation in such form and manner as may be prescribed. The details of the intimation receipt shall be recorded online in a register maintained in such form as may be prescribed:

Provided that if at any point of time the number of workers engaged in the establishment become ten or more, then all provisions of this Act shall apply to such establishment and the employer of such establishment shall have to obtain registration as per the provisions of section 6.

Provided that, nothing contained hereinabove shall apply to the shops and establishments already having valid registration under the Gujarat Shops and Establishments Act, 1948 until the expiry of their registration.

**Bom. LXXIX
of 1948.**

(2) The employer of such establishment employing less than ten workers shall inform, in such form and manner as may be prescribed, the Inspector within thirty days from the date of the closing of the business that such establishment has been closed for business. The Inspector on receiving the information shall remove the entry of such establishment from the register of establishments.

8. At any time, if it is found or brought to the notice of the Inspector that the registration of any shop or establishment has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud, the Inspector shall, after giving an opportunity of being heard to the employer of the shop or establishment, cancel the registration and remove such shop or establishment from the register of establishments in the manner as may be prescribed.

**Cancellation
of registration
of shop or
establishment.**

9. It shall be the duty of every employer to inform to the Inspector, in the prescribed form, any change in any of the particulars contained in the application submitted under section 6 within such period, after the change has taken place, as the State Government may prescribe. The Inspector shall, on receiving such notice and the prescribed fees along with the self-declaration of the applicant and self-certified documents as may be prescribed, make the change in the register of establishments in accordance with such notice and shall issue a fresh registration certificate.

**Notice of
change in
particulars.**

10. The employer shall inform, in such form and in such manner, as may be prescribed, to the Inspector within thirty days from the date of closing of the business that the shop or establishment has been closed for business. The Inspector on receiving the information and on being satisfied about its correctness shall remove the entry of such shop or establishment from the register of establishments and cancel the registration certificate:

**Notice for
closure of
business.**

Provided that, if the Inspector does not receive the information but he is otherwise satisfied that any shop or establishment has been closed, he may remove the entry of such shop or establishment from the register of establishments and cancel such certificate.

CHAPTER III

DUTIES OF EMPLOYER

Health and safety of worker.

11. (1) Every employer shall take such measures relating to the health and safety of the worker including cleanliness, lighting, ventilation and prevention of fire as may be prescribed.

(2) Every employer shall be responsible for providing constant adequate supervision of the worker employed in the shop or establishment and to ensure the compliance with the rules relating to health and safety made under sub-section (1) and for taking steps necessary to prevent accidents.

Fixing of hours of work.

12. Subject to the other provisions of this Act, no worker shall be required or allowed to work in any shop or establishment for more than nine hours in any day and forty-eight hours in a week. No worker shall be compelled to work continuously for more than five hours unless he has been given a break of not less than half an hour:

Provided that, the working hours or weekly holiday may be relaxed in case of work of urgent nature with the previous permission of the Inspector.

Prohibition of discrimination of women.

13. (1) No woman worker shall be discriminated in the matter of recruitment, training, transfer or promotion or wages.

(2) No woman worker shall be required or allowed to work in any establishment except between the hours of 6 a.m. and 9 p.m.:

Provided that, where the Inspector or any person, authorized by it in this behalf, is satisfied that the provisions of shelter, rest room, night *crèche*, ladies toilet, adequate protection of dignity, honour and safety,

protection from sexual harassment, and their transportation from the shop or establishment to the door step of their residence exists in such shop or establishment, it may, by order, after obtaining the consent of the woman worker, allow her to work between 9 p.m. to 6 a.m. subject to such conditions as may be specified in the order.

14. The spread-over of a worker in any shop or establishment shall not exceed ten and half hours in any day, and in case a worker entrusted with intermittent nature of work or urgent work, the spread-over shall not exceed twelve hours.

**Spread-over
of hours of
work.**

15. Where a worker is required to work in a shop or establishment beyond nine hours a day or forty-eight hours a week, he shall be entitled, in respect of the overtime work, wages at the rate of twice his ordinary rate of wages. The total number of overtime hours shall not exceed one hundred and twenty-five hours in a period of three months.

**Payment of
wages for
overtime.**

16. (1) A department or any section of a department of the shop or establishment may work in more than one shifts at the discretion of the employer and if more than one shifts are worked, the worker may be required to work in any shift at the discretion of the employer.

**Shift
working and
rest.**

(2) A shop or establishment may work on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest.

(3) If a worker is denied weekly holiday, the compensatory leave in *lieu* thereof shall be given within two months of such weekly holiday.

(4) The period and hours of work in a week for all classes of workers in such shift shall be informed to all workers in writing and shall be sent to the Inspector electronically or otherwise.

(5) Where a worker is required to work on a day of his rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

**Furnishing
identity card to
worker.**

17. The employer of a shop or an establishment shall furnish to every worker an identity card which shall be produced by the worker on demand by Inspector. Such card shall contain particulars as may be prescribed.

CHAPTER IV

LEAVE WITH PAY AND PAYMENT OF WAGES

**Annual leave,
casual and sick
leave and other
holidays.**

18. (1) Every worker shall be allowed a weekly holiday with wages:

Provided that the State Government may, by notification in the *Official Gazette*, fix different days as weekly holiday for different classes of shops and establishments or areas.

(2) Every worker shall be entitled to seven days casual leave with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but it shall lapse if the casual leave remains un-availed at the end of the year.

(3) Every worker shall be entitled to seven days leave on medical grounds with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but shall lapse if un-availed at the end of the year.

(4) Every worker who has worked for a period of two hundred and forty days or more in a shop or establishment during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year.

(5) Every worker shall be permitted to accumulate earned leave up to a maximum of sixty-three days.

(6) Where the employer refuses to sanction the leave which is due under sub-section (4) when applied fifteen days in advance, then the worker shall have a right to encash leave in excess of sixty-three days:

Provided that, if a worker is entitled to leave other than causal and festival leave under this section, is discharged by his employer before he has

been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment on account of retirement, resignation, death or permanent disability, the employer shall pay him full wages for the period of leave due to him.

(7) A worker shall be entitled to eight paid festival holidays in a calendar year, namely, the 26th January, 15th August and 2nd October and five such other festival holidays as may be agreed to between the employer and the workers before the commencement of the year. On these days, he shall be paid wages at the rate equivalent to his ordinary rate of wages excluding overtime:

Provided that, the employer may require any worker to work in the shop or establishment on all or any of these days, subject to the conditions that for such work the worker shall be paid double the amount of the ordinary rate of wages and also leave on any other day in *lieu* of the compulsory holiday.

(8) For the purpose of sub-section (4),—

- (a) any days of lay-off, by agreement or contract or as permissible under the model standing orders or standing orders certified under provisions of the Industrial Employment (Standing Orders) Act, 1946;
- (b) in the case of a woman worker, maternity leave under the provisions of the Maternity Benefits Act, 1961;
- (c) the leave earned in the year prior to that in which the leave is availed;
or
- (d) the absence of the worker due to temporary disablement caused by an accident arising out of and in the course of his employment,

20 of 1946.

53 of 1961.

shall be deemed to be days on which the worker has worked in the shop or establishment for the purpose of computation of the period of two hundred and forty days or more, but shall not earn leave for these days.

(9) The leave admissible under sub-section (4) shall be exclusive of all holidays whether occurring during or either at the end of the period of leave.

(10) Every worker shall be paid wages for the period of his leave earned under sub-sections (4) and (5) at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

CHAPTER V

WELFARE PROVISIONS

Drinking water. 19. Every employer shall make effective arrangements to provide and maintain at suitable points conveniently situated for all workers employed in the shop or establishment, a sufficient supply of wholesome drinking water.

Latrines and urinals. 20. Every employer shall provide sufficient latrine and urinal for men and women as may be prescribed and these shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:

Provided that, several employers may provide common facilities of latrines and urinals, in case it is not possible to provide such facility individually, in a shop or establishment due to constraint of space or otherwise.

Crèche facility. 21. In every shop or establishment wherein thirty or more women workers are employed, there shall be provided and maintained a suitable room or rooms as *crèche* for the use of children of such workers:

Provided that, if a group of shops or establishments decide to provide a common *crèche* within a radius of one kilometer, then, the same shall be permitted by the Inspector by an order, subject to such conditions as may be specified in the order:

First-aid. 22. Every employer shall provide at the place of work first-aid facilities as may be prescribed.

23. The employer shall provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers:

Canteen.

Provided that, if a group of shops or establishments decide to provide a common canteen, then the same shall be permitted by the Inspector by an order, subject to such conditions as may be specified in the order.

CHAPTER VI ENFORCEMENT AND INSPECTION

24. (1) Save as otherwise provided in this Act, it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to the supervision of the State Government.

**Provisions for
handing over
enforcement of
Act to
authorities.**

(2) For the areas not having jurisdiction of local authority, the State Government shall, by notification in the *Official Gazette*, without the necessity of giving any further notice or reasons, specify the authorities for performing the duties of enforcing the provisions of this Act from a date specified in that notification. From such date, it shall be the duty of such authorities to enforce the provisions of the Act, subject to the supervision of the State Government.

(3) For an area within the jurisdiction of a local authority, the local authority and for other areas, the State Government shall, subject to the provisions of sub-section (4), appoint as many Inspectors for the purpose of carrying out the provisions of this Act.

(4) A local authority or, as the case may be, the State Government may direct that the powers conferred on it by this section shall in such circumstances, and subject to such conditions, if any, as may be specified in the direction, be exercised by authorities referred to in sub-sections (1) and (2) .

**Powers and
duties of
Inspectors.**

25. (1) The State Government may make a scheme for inspection of shops and establishments which may provide for generation of a web based inspection schedule.

(2) Subject to such conditions as may be prescribed, the Inspector may, within the local limits for which he is appointed—

(i) advise the employers and workers and provide them such information as may be considered necessary for complying with the provisions of this Act effectively;

(ii) inspect the shops or establishments in accordance with the scheme for inspection referred to in sub-section (3), and may—

- (a) enter, at all reasonable time and with such assistants, if any, being persons in the service of the Government or of any local authority as he thinks fit, any place which is or which he has reason to believe is a shop or establishment;
- (b) make such examination of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any persons as he may deem necessary for carrying out the purposes of this Act;
- (c) examine any person who is found in any premises of the shop or establishment and whom, the Inspector has reasonable cause to believe, is a worker of the shop or establishment;
- (d) require any person to give any information, which is in his possession with respect to the names and addresses of the persons;
- (e) search, seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act and which he has reason to believe has been committed by the employer;

(f) bring to the notice of the State Government defects found during inspection; and

(g) exercise such other powers, as may be prescribed:

Provided that, no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.

45 of 1860. (3) Any person required to produce any document or to give any information required by Inspector shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

2 of 1974. (4) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure under sub-clause (e) of clause (ii) of sub-section (2) as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.

45 of 1860. (5) Every Inspector appointed under section 24 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

CHAPTER VII RECORDS AND RETURNS

26. (1) Every employer shall maintain the registers and records, in such form and in such manner as may be prescribed.

**Maintenance
of registers
and records.**

(2) The records may be maintained electronically or manually:

Provided that, at the time of inspection by an Inspector, a hard copy of such records, if demanded, shall be submitted duly signed by the employer or his representative.

(3) Every employer and in his absence the manager shall, on demand, produce for inspection of Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

(4) All such registers and records shall be kept in the premises of the shop or establishment to which they relate.

**Annual
returns.**

27. The employer of a shop or establishment shall furnish an annual returns, in such a form and in such manner (including in electronic form), to such authority as may be prescribed.

CHAPTER VIII

OFFENCES AND PENALTIES

**Penalty for
non-
registration of
shop or
establishment.**

28. Whoever, found running any establishment without registration in contravention of the provisions of section 6 or rules made thereunder, shall be punishable with penalty of ten thousand rupees which shall include registration fees:

Provided that, on recovery of penalty along with registration fees, the establishment shall be deemed to be registered and the registration certificate shall be issued by the Inspector.

**Penalty for
contravention
of the
provisions of
the Act.**

29. Whoever contravenes the provisions of this Act or the rules made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to fifty thousand rupees:

Provided that, the total amount of fine shall not exceed two thousand rupees per worker employed.

**Penalty for
contravention
of the
provisions of
the Act
resulting in
accident.**

30. Save as otherwise provided in this Act, where an employer on being held found guilty of contravention of any of the provisions of this Act or any rules made thereunder which has resulted in an accident causing serious bodily injury or death of a worker, he shall, on conviction, be punished with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees and which may be extended to fifty thousand rupees, or with both.

31. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

(2) Notwithstanding anything contained in sub section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. – For the purpose of this section, -

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm, means a partner in the firm.

32. (1) Whoever, willfully obstructs an Inspector in exercise of any powers conferred on him by or under this Act or refuses or willfully neglects to afford an Inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorized by or under this Act in relation to an establishments, shall, on conviction, be punished with fine which may extend to fifty thousand rupees.

Penalty for obstructions or refusal to provide register, etc.

(2) Whoever, willfully refuses to produce on the demand of an Inspector any register or other document kept in pursuance of this Act or the rules made thereunder or prevents or attempts to prevent or does anything which he has reason to believe to prevent any person from appearing before, or being examined by, an Inspector acting in pursuance of his duties under this Act,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees:

Provided that, total amount of fine shall not exceed two thousand rupees per worker employed.

**Cognizance
of offences.**

33. (1) No Court shall take cognizance of any offence punishable under this Act and the rules made thereunder unless a complaint in respect thereof is made by the Inspector within three months from the date on which the alleged commission of the offence comes to the knowledge of the Inspector:

Provided that, where the offence consists of disobeying a written order made by the Inspector, complaint thereof may be made within six months from the date on which the offence is alleged to have been committed.

(2) The court of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act or the rules made thereunder.

(3) Notwithstanding anything contained in Code of Criminal Procedure, 1973, a Metropolitan Magistrate or a Judicial Magistrate of the First Class may impose fine and penalties prescribed under this Act. **2 of 1974.**

**Compounding
of offences.**

34. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by such Officer, as the State Government may, by notification in the *Official Gazette*, specify, with fine provided for such offence, in the manner as may be prescribed. **2 of 1974.**

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—

- (a) of commission of a similar offence which was earlier compounded;

- (b) of commission of a similar offence for which such person was earlier convicted.
- (3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the State Government.
- (4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.
- (5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.
- (6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.
- (7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.
- (8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

CHAPTER IX

MISCELLANEOUS

35. (1) Notwithstanding anything contained in this Act, any shop or establishment if situated,-

- (a) (i) in Municipal Corporation Area, or
(ii) on National Highway, or
(iii) on Railway Platform, or
(iv) at State Roadways bus station premises, or
(v) in Hospital premises, or

**Opening
and closing
hours.**

(vi) on petrol pumps,

may remain open 24 hours on any day of the week:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(b) in Municipality area or on State Highway may be opened except from 2.00 A.M to 6.00 A.M.:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12, 14, 16 and 18 of this Act;

(c) in the areas other than the areas mentioned in clauses (a) and (b) above in district or on minor road may be opened except from 11.00 P. M. to 6.00 A.M.:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 12,14,16 and 18 of this Act;

(2) Notwithstanding anything contained in sub-section (1), considering the circumstances relating to traffic, public health, public safety, public nuisance or such other reason which may affect law and order situation, the hours for opening and closing of different classes of shops or establishments and for different premises, shopping complex or mall or for different area or areas and for different period may be curtailed by such authority as the State Government may, by notification in the *Official Gazette*, specify.

**Protection
of rights of
workers
under any
other law,
etc.**

36. Nothing in this Act shall affect any right or privileges which a worker in any shop or establishment is entitled to at the date of commencement of this Act under any other law, contract, custom or usage applicable to such shop or establishment or any award, settlement or agreement binding on the employer and the worker in such shop or establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

37. (1) No suit, prosecution or legal proceedings shall lie against any public servant or any other person, acting under the direction of any such public servant, for anything which is in good faith done or intended to be done under this Act or any rule or order made there under.

**Protection
of action
taken in
good faith.**

(2) No suit, prosecution or legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules or order made there under.

38. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

**Act not in
derogation of
any other
law.**

39. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

**Power to
make rules.**

(2) All rules made under this Act shall be subject to the condition of previous publication.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following. Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

**Power to
remove
difficulties.**

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

**Repeal and
saving.**

41. On and from the date of commencement of this Act, the Gujarat Shops and Establishments Act, 1948 shall stand repealed:

**LXXIX of
1948.**

Provided that,

- (a) every appointment, order, rule, bye-law, regulation, notification, registration or notice made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, order, rule, bye-law, regulation, notification or notice made, issued or given under this Act;
- (b) any proceeding relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the Act so repealed.

STATEMENT OF OBJECTS AND REASONS

After implementation of the Gujarat Shops and Establishments Act, 1948 in the State, amendments have been made from time to time for the regulation of conditions of employment and other conditions of service of workers employed in shops and other establishments and for matters connected therewith or incidental there to.

The Government of India has introduced the Model Shops and Establishments (Regulation of Employment and Conditions of Service) Bill, 2016 and sent to States who will modify their individual Acts, if they so desire either by adopting the said Bill as it is or after modifying its provisions as per the requirement of that particular State/UTs so as to maintain uniformity in all the States/UTs. Hence, the Government of Gujarat also seeks to introduce the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Bill, 2019 in order to comply with the model draft circulated by the Government of India.

The proposed Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Bill, 2019 is aimed at (i) improving the working conditions of workers (ii) creating many more job opportunities for women and (iii) providing favourable environment for doing business. It includes freedom to operate 365 days in a year and opening/closing time of establishment, women to be permitted to work during night shifts with adequate safety and security provisions, online registration through a simplified procedure, powers of Government to make rules regarding adequate measures to be taken by the employer for the safety and health of workers etc. It is expected that it will lead to growth in jobs especially in the retail, IT, hospitality and services sector.

It is therefore, expedient to provide for the regulation of employment and other conditions of service of workers employed in shops and other establishments and for matters connected therewith or incidental thereto.

This Bill seeks to repeal the Act of 1948 and to re-enact the Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019 to achieve the aforesaid objects.

The following notes on *clauses* explain, in brief, the important provisions of the Bill:-

Clause 1.- This clause provides for short title, extent, application and commencement of the Act.

Clause 2.- This clause defines certain terms used in the Bill.

Clause 3.- This clause provides for certain persons and premises to whom the Act not to apply.

Clause 4.- This clause provides that the State Government may declare any establishment or class of workers or persons to be an establishment or class of workers or persons to which or whom this Act or any provisions thereof with such modifications or adaptations as may in the opinion of the State Government be necessary shall apply from such date.

Clause 5.- This clause provides for the suspension of the operation of provisions of the Act by the State Government for such period and subject to such conditions as it may deem fit on account of any festival or other occasions.

Clause 6.- This clause provides for the registration of shops or establishments employing more than ten workers.

Clause 7.- This clause provides for the intimation of establishment employing less than ten workers.

Clause 8.- This clause provides for cancellation of registration of shops or establishment.

Clause 9.- This clause provides for the notice of change in particulars by the employer.

Clause 10.- This clause provides for the notice for closure of business by the employer.

Clause 11.- This clause provides for measures relating to the health and safety of worker.

Clause 12.- This clause provides for the fixing of hours of work of the worker.

Clause 13.- This clause provides for the prohibition of discrimination of women in the matter of recruitment, training, transfer or promotion or wages.

Clause 14.- This clause provides for the spread-over of hours of work in any shop or establishment.

Clause 15.- This clause provides for the payment of wages for overtime to a worker.

Clause 16.- This clause provides for the shift working and rest in a department or any section of a department of the shop or establishment at the discretion of the employer.

Clauses 17 and 18.- These clauses provide for furnishing identity card to worker and Annual leave, casual and sick leave and other holidays of worker.

Clause 19.- This clause provides for making effective arrangements to provide, a sufficient supply of wholesome drinking water to all persons employed in the shop or establishment.

Clause 20.- This clause provides for providing sufficient latrine and urinal for men and women employed in the shop or establishment.

Clauses 21 and 22.- These clauses provide for maintaining a suitable room or rooms as *creche* for the use of children of workers of shop or establishment and the employer shall allow the woman four visits a day to the crèche and also provide for first-aid facilities at the place of work.

Clause 23.- This clause provides for maintaining a common canteen by the employer, wherein not less than one hundred workers are employed or ordinarily employed.

Clause 24.- This clause provides for the provisions for handing over enforcement of Act to authorities.

Clause 25.- This clause provides for the powers and duties of Inspectors for inspection of shops and establishments.

Clause 26.- This clause provides for maintenance of registers and records by the employer.

Clause 27.- This clause provides for furnishing annual return by the employer.

Clauses 28 and 29.- These clauses provide for penalty for non-registration of shop or establishment and contravention of the provisions of the Act.

Clause 30.- This clause provides for penalty for contravention of the provisions of the Act resulting in accident.

Clause 31.- This clause provides for offences by companies under this Act.

Clause 32.- This clause provides for penalty for obstructions or refusal to provide register, etc. to Inspector in exercise of any powers conferred on him by or under this Act.

Clause 33.- This clause provides for cognizance of any offence punishable under this Act.

Clause 34.- This clause provides for compounding of any offence punishable under this Act.

Clause 35.- This clause provides for opening and closing hours of shops or establishments.

Clause 36.- This clause provides for protection of rights of worker under any other law, etc.

Clause 37.- This clause provides for protection for action taken in good faith.

Clause 38.- This clause provides that the provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Clause 39.- This clause provides for the powers of State Government to make rules under this Act.

Clause 40.- This clause empowers the State Government to remove difficulties arising within a period of two years in giving effect to the provisions of the Act.

Clause 41.- This clause provides for the repeal of the Gujarat Shops and Establishments Act, 1948 and savings of certain actions.

DILIPKUMAR THAKOR,

FINANCIAL MEMORANDUM

The existing staff of the Labour and Employment Department shall perform the function to carry out the object of the Act. Hence, there would not be any financial liability on State Exchequer on this count. Therefore, the Bill, if enacted and brought into force, would not involve any additional expenditure from the Consolidated Fund of the State.

DILIPKUMAR THAKOR,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (4) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2. – Para (iv) of sub-clause (c) of this clause empowers the State Government to declare by notification in the *Official Gazette* other establishment to be an establishment for the purpose of the Act.

Clause 4. – Sub-clause (1) of this clause empowers the State Government to declare by notification in the *Official Gazette*, any establishment or class of establishments to be an establishment or class of establishments or a worker or a person or class of workers or persons to which or whom this Act or any provisions thereof with such modification or adaptations as per the opinion of the State Government.

Clause 5. – This clause empowers the State Government to suspend the operation of all or any of the provisions of this Act by notification in the *Official Gazette* for such period and subject to such conditions as the State Government may deem fit on account of any festival or other occasions.

Clause 6. – (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form of application for registration and also to prescribe the fees, the self-declaration and the documents which shall be self-certified, to be submitted with the application;

(ii) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which the Inspector shall register the shop or establishment in the register of establishments; it also empowers to prescribe the form in which and the time limit within which the registration certificate shall be issued to the employer.

Clause 7. – (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which the employer of every establishment employing less than ten workers shall give an online intimation of having commenced the business to the Inspector in whose jurisdiction the establishment is located; and it also empowers the State Government to prescribe by rules the self-declaration and the documents which shall be

self-certified and the details other than the name of the employer and manager, name of the establishment, nature of business, number of workers, to be submitted with the application; it also empowers the State Government to prescribe by rules the form and the manner in which the Inspector shall issue a receipt of intimation to the employer; it also empowers the State Government to prescribe by rules the form in which the register shall be maintained in which the details of the intimation receipt shall be recorded online;

(2) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the employer of the establishment employing less than ten workers shall inform the Inspector within thirty days from the date of the closing of the business that such establishment has been closed for business.

Clause 8. – This clause empowers the State Government to prescribe by rules, the manner in which the Inspector shall cancel the registration and remove the entry of such shop or establishment from the register of establishments if it is found that such registration has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud.

Clause 9. – This clause empowers the State Government to prescribe by rules, the manner in which and the period within which every employer shall inform the Inspector any change in any of the particulars contained in the application submitted under section 6 or section 7; and also to prescribe the fees, the self-declaration and the documents which shall be self-certified, to be submitted with the notice of information;

Clause 10. – This clause empowers the State Government to prescribe by rules, the form and the manner in which the employer shall inform to the Inspector within thirty days from the date of closing of the business that the shop or establishment has been closed for business.

Clause 11. – (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the measures relating to the health and safety of the workers including cleanliness, lighting, ventilation and prevention of fire, to be taken by the employer.

Clause 17. – This clause empowers the State Government to prescribe by rules, the particulars to be contained with the Identity card of the worker.

Clause 18. – Proviso to sub-clause (1) of this clause empowers the State Government to fix by notification in the *Official Gazette*, different days as weekly holidays for different classes of shops and establishments.

Clause 20. – This clause empowers the State Government to prescribe by rules, the provisions for sufficient latrine and urinal for men and women.

Clause 22. – This clause empowers the State Government to prescribe by rules, the provisions for the first-aid facilities to be provided by the employer at the place of work.

Clause 24. – Sub-clause (2) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the authorities for performing the duties of enforcing the provisions of this Act for the areas not having jurisdiction of local authority.

Clause 25. – (i) Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the conditions subject to which the Inspector may within the limits for which he is appointed, exercise his powers and perform his duties as mentioned therein;

(ii) para (g) of sub-clause (2) of this clause empowers the State Government to prescribe by rules, the powers other than the powers as mentioned therein to be exercised by the Inspector.

Clause 26. – (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the registers and records to be maintained by the employer.

Clause 27. – This clause empowers the State Government to prescribe by rules, the form and manner in which and the authority to which the employer of a shop or establishment shall furnish an annual return.

Clause 34. – (i) Sub-clause (1) of this clause empowers the State Government to specify the Officer by notification in the *Official Gazette* to compound the offences / for compounding the offences;

(ii) sub-clause (4) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the application for the compounding of an offence shall be made.

Clause 35. – Sub-clause (2) of this clause empowers the State Government to curtail the hours for opening and closing of different classes of shops or establishments and for different premises, shopping complex or mall or for different area or area and for different period, considering such circumstances and by such authority specified by notification in the *Official Gazette*.

Clause 39. – Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 40. – Sub-clause (1) of this clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 11th February, 2019.

DILIPKUMAR THAKOR.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar,

Dated the 11th February, 2019.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LX]

SATURDAY, FEBRUARY 16, 2019/MAGHA 27, 1940

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL LANDS CEILING (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 4 OF 2019.

A BILL

further to amend the Gujarat Agricultural Lands Ceiling Act, 1960.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Agricultural Lands Ceiling (Amendment) Act, 2019. **Short title.**

Amendment of
section 3 of
Guj. XXVII of
1961.

2. In the Gujarat Agricultural Lands Ceiling Act, 1960, in section 3, in sub-section (1), the existing clause (*ddd*) shall be renumbered as sub-clause (i) of that clause and after sub-clause (i) as so renumbered, the following sub-clause shall be inserted, namely:-

Guj. XXVII
of 1961.

“(ii) Notwithstanding anything contained in sub-clause (i) above, the State Government may, after being satisfied, by notification in the *Official Gazette*, waive the said period for registration of separate public trust for such institution in such circumstances and on such terms and conditions as may be specified therein.”.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Agricultural Lands Ceiling Act, 1960, among other things, in the interest of the public at large, imposes a restriction upon holding agricultural land in excess of certain limits in the State of Gujarat.

Existing clause (*ddd*) of sub-section (1) of section 3 of the said Act provides that lands being utilized for maintenance of *Panjrapole* or *Gaushala*, which were exempted from the provision of this Act immediately before the specified date by reason of their being the property of an institution for public religious worship or registered within a period of one year from the specified date as a public trust under the Gujarat Public Trusts Act, 1950. However, despite working for the welfare of the animals, some of the trusts which were not registered within the stipulated time, the lands of which cannot be exempted under clause (*ddd*) of sub-section (1) of section 3 of the said Act. It is therefore, proposed to amend the said provision so as to waive the period for registration of separate public trust for such institution .

This Bill seeks to amend the said Act of 1961 to achieve the aforesaid object.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respects:--

Clause 2.—New sub-clause (ii) in clause (*ddd*) of sub-section (1) of section 3 proposed to be inserted by this clause empowers the State Government to waive, by notification in the *Official Gazette*, the period for registration of separate public trust for such institution in such circumstances and on such terms and conditions as may be specified therein.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 16th February, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar,
Dated the 16th February, 2019.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY
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Vol. LX]

THURSDAY, FEBRUARY 21, 2019/PHALGUNA 2, 1940

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2019.

GUJARAT BILL NO. 5 OF 2019.

A BILL

to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the Services of the financial year ending on the thirty-first day of March, 2019.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Short title. Appropriation Act, 2019.

**Issue of
₹ 1,69,09,59,28,000/-
from and out of
the Consolidated
Fund of the State
of Gujarat for
the financial year
2018-2019.**

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum sixteen thousand nine hundred nine crores fifty-nine lakhs twenty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2019, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

| SCHEUDLE | | | | | |
|--------------------------------------|--|---------------------|--------------------|---|-------------|
| (See sections 2 and 3) | | | | | |
| Demand No. Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 2 | Agriculture | Revenue | 18845929000 | 0 | 18845929000 |
| 5 | Co-operation | Revenue | 4051034000 | 0 | 4051034000 |
| 6 | Fisheries | Revenue | 384330000 | 3534000 | 387864000 |
| 9 | Education | Revenue | 32184083000 | 327013000 | 32511096000 |
| 13 | Power Projects | Revenue | 20926772000 | 0 | 20926772000 |
| | | Capital | 5079998000 | 0 | 5079998000 |
| 14 | Other expenditure relating to Energy and Petro-Chemicals Departments | Revenue | 1559000 | 0 | 1559000 |
| 15 | Finance Department | Revenue | 32436000 | 0 | 32436000 |
| 16 | Tax collection charges (Finance Department) | Revenue | 1000 | 0 | 1000 |
| 18 | Pension and other Retirement Benefits | Revenue | 0 | 20000000 | 20000000 |
| 20 | Repayment of Debt pertaining to Finance Department and its servicing | Revenue | 0 | 22000 | 22000 |
| | | Capital | 0 | 55557000 | 55557000 |
| 22 | Civil Supplies | Revenue | 3000 | 0 | 3000 |
| 23 | Food | Revenue | 1000 | 0 | 1000 |
| 26 | Forests | Revenue | 1000 | 75300000 | 75301000 |
| | | Capital | 41307000 | 0 | 41307000 |
| 27 | Environment | Revenue | 10000000 | 0 | 10000000 |
| 29 | Governor | Revenue | 0 | 7903000 | 7903000 |
| 31 | Elections | Revenue | 1278080000 | 0 | 1278080000 |
| | | Capital | 76400000 | 0 | 76400000 |

| Demand No. Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 32 | Public Service Commission | Revenue | 0 | 58027000 | 58027000 |
| 33 | General Administration Department | Revenue | 1000 | 0 | 1000 |
| 35 | Other Expenditure pertaining to General Administration Department | Capital | 830100000 | 0 | 830100000 |
| 39 | Medical and Public Health | Revenue | 2034004000 | 0 | 2034004000 |
| | | Capital | 959941000 | 0 | 959941000 |
| 40 | Family Welfare | Revenue | 2173092000 | 0 | 2173092000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | Revenue | 0 | 292000 | 292000 |
| 42 | Home Department | Revenue | 1000 | 0 | 1000 |
| 43 | Police | Revenue | 9914184000 | 0 | 9914184000 |
| 44 | Jails | Revenue | 96291000 | 0 | 96291000 |
| 46 | Other expenditure pertaining to Home Department. | Revenue | 1715292000 | 15026000 | 1730318000 |
| | | Capital | 150835000 | 0 | 150835000 |
| 47 | Industries and Mines Department. | Revenue | 1000 | 0 | 1000 |
| 48 | Stationery and Printing | Revenue | 30525000 | 0 | 30525000 |
| | | Capital | 25000000 | 0 | 25000000 |
| 49 | Industries | Revenue | 12651178000 | 0 | 12651178000 |
| | | Capital | 27370000 | 0 | 27370000 |

| Demand No. Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 50 | Mines and Minerals | Revenue | 303546000 | 0 | 303546000 |
| 52 | Other Expenditure pertaining to Industries and Mines Department | Revenue | 0 | 47110000 | 47110000 |
| | | Capital | 0 | 13767000 | 13767000 |
| 54 | Information and Publicity | Revenue | 100000000 | 0 | 100000000 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | Revenue | 0 | 4262000 | 4262000 |
| 57 | Labour and Employment | Revenue | 2000 | 13951000 | 13953000 |
| 60 | Administration of Justice | Revenue | 0 | 1000 | 1000 |
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 1000 | 0 | 1000 |
| 65 | Narmada Development Scheme | Capital | 57837000 | 0 | 57837000 |
| 66 | Irrigation and Soil Conservation | Revenue | 1000 | 0 | 1000 |
| | | Capital | 18575701000 | 800000000 | 19375701000 |
| 67 | Water Supply | Capital | 2188807000 | 0 | 2188807000 |
| 68 | Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department. | Revenue | 0 | 1700000000 | 1700000000 |
| 70 | Community Development | Revenue | 1919992000 | 0 | 1919992000 |

| Demand No. Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 71 | Rural Housing and Rural Development | Revenue | 197213000 | 200072000 | 397285000 |
| | | Capital | 6093000 | 0 | 6093000 |
| 74 | Transport | Revenue | 153769000 | 0 | 153769000 |
| 78 | Tax collection charges(Revenue Department) | Revenue | 1000 | 0 | 1000 |
| 79 | Relief on account Natural Calamities | Revenue | 11251074000 | 0 | 11251074000 |
| | | Capital | 967460000 | 0 | 967460000 |
| 80 | Dangs District | Revenue | 3540000 | 0 | 3540000 |
| 81 | Compensation and Assignment | Revenue | 2899000 | 2058000 | 4957000 |
| 82 | Other expenditure pertaining to Revenue Department | Revenue | 4920000 | 0 | 4920000 |
| 83 | Roads and Building Department | Revenue | 19500000 | 0 | 19500000 |
| 84 | Non-Residential Buildings | Revenue | 834331000 | 3523000 | 837854000 |
| | | Capital | 4000 | 3258000 | 3262000 |
| 85 | Residential Buildings | Revenue | 181078000 | 0 | 181078000 |
| | | Capital | 1000 | 0 | 1000 |
| 86 | Roads and Bridges | Revenue | 0 | 64967000 | 64967000 |
| | | Capital | 4039231000 | 196000000 | 4235231000 |
| 87 | Gujarat Capital Construction Scheme | Revenue | 10026000 | 0 | 10026000 |
| 88 | Other expenditures pertaining to Roads and Buildings Department | Revenue | 40000000 | 620000000 | 660000000 |

| Demand No. Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|---|---------------------|---------------------|---|---------------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 90 | Other Expenditure pertaining to Science and Technology Department | Revenue | 1000 | 0 | 1000 |
| 92 | Social security and welfare | Revenue | 1000 | 0 | 1000 |
| 95 | Scheduled Caste sub-plan | Revenue | 2609225000 | 0 | 2609225000 |
| | | Capital | 1000 | 0 | 1000 |
| 96 | Tribal Area sub- plan | Revenue | 5000 | 8495000 | 8500000 |
| | | Capital | 1000 | 0 | 1000 |
| 98 | Youth Services and Cultural Activities | Revenue | 3000 | 17812000 | 17815000 |
| 101 | Urban Housing | Revenue | 0 | 89029000 | 89029000 |
| 102 | Urban Development | Revenue | 5162035000 | 0 | 5162035000 |
| | | Capital | 100000000 | 0 | 100000000 |
| 103 | Compensation, Assignment and Tax Collection Charges | Revenue | 2500000000 | 0 | 2500000000 |
| 104 | Other expenditure pertaining to Urban Development and Urban Housing Department | Revenue | 901000 | 0 | 901000 |
| Total Revenue | | Revenue | 131622862000 | 3278397000 | 134901259000 |
| Total Capital | | Capital | 33126087000 | 1068582000 | 34194669000 |
| Grand Total | | | 164748949000 | 4346979000 | 169095928000 |

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2019.

The amounts are shown below:- ₹

| | | |
|-----------------|---------------------|---------------------|
| (a) | Revenue Expenditure | 134901259000 |
| (b) | Capital Expenditure | 34194669000 |
| Total :- | | 169095928000 |

Dated: 21st February, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar,

Dated the 21th February, 2019.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. the date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION (VOTE ON ACCOUNT)

BILL, 2019.

GUJARAT BILL NO. 6 OF 2019.

AN BILL

to authorise withdrawal of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of a part of the financial year ending on the thirty-first day of March, 2020.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Appropriation (Vote on Account) Act, **Short title.** 2019.

Withdrawal of
₹ 6,42,55,38,59,000/-
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2019-20.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of sixty-four thousand two hundred fifty-five crore thirty-eight lakhs fifty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2019-20.

V-Ex.-6

6-1

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEUDLE

(See sections 2 and 3)

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 1 | Agriculture and Co-operation Department | Revenue | 55054000 | 0 | 55054000 |
| 2 | Agriculture | Revenue | 10761721000 | 0 | 10761721000 |
| | | Capital | 333333000 | 0 | 333333000 |
| 3 | Minor Irrigation, Soil Conservation and Area Development. | Revenue | 524420000 | 0 | 524420000 |
| | | Capital | 307151000 | 0 | 307151000 |
| 4 | Animal Husbandry | Revenue | 2642768000 | 0 | 2642768000 |
| 5 | Co-operation | Revenue | 2418782000 | 0 | 2418782000 |
| | | Capital | 142234000 | 0 | 142234000 |
| 6 | Fisheries | Revenue | 1126883000 | 0 | 1126883000 |
| | | Capital | 900000000 | 0 | 900000000 |
| 7 | Other expenditure pertaining to Agriculture and Co-operation Department. | Capital | 533000 | 0 | 533000 |
| 8 | Education Department | Revenue | 35472000 | 0 | 35472000 |
| 9 | Education | Revenue | 88437978000 | 827533000 | 89265511000 |
| | | Capital | 1734261000 | 0 | 1734261000 |
| 10 | Other expenditure pertaining to Education Department | Revenue | 5200000 | 0 | 5200000 |
| | | Capital | 153334000 | 0 | 153334000 |
| 11 | Energy and Petro- Chemicals Department | Revenue | 20650000 | 0 | 20650000 |
| 12 | Tax collection charges (Energy and Petro- Chemicals Department) | Revenue | 80833000 | 0 | 80833000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|---|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 13 | Power Projects | Revenue | 26805887000 | 0 | 26805887000 |
| | | Capital | 10400500000 | 0 | 10400500000 |
| 14 | Other expenditure pertaining To Energy and Petro- Chemicals Department | Revenue | 3333000 | 0 | 3333000 |
| | | Capital | 167200000 | 0 | 167200000 |
| 15 | Finance Department | Revenue | 70956000 | 0 | 70956000 |
| 16 | Tax Collection Charges (Finance Department) | Revenue | 1048823000 | 0 | 1048823000 |
| 17 | Treasury and Accounts Administration | Revenue | 638820000 | 0 | 638820000 |
| 18 | Pension and other Retirement Benefits | Revenue | 39070242000 | 33333000 | 39103575000 |
| 19 | Other expenditure pertaining to Finance Department | Revenue | 29234607000 | 0 | 29234607000 |
| | | Capital | 1167000 | 0 | 1167000 |
| 20 | Repayment of Debt pertaining to Finance Department and its Servicing | Revenue | 0 | 68150834000 | 68150834000 |
| | | Capital | 0 | 55303145000 | 55303145000 |
| 21 | Food, Civil Supplies and Consumer Affairs Department. | Revenue | 125010000 | 0 | 125010000 |
| 22 | Civil Supplies | Revenue | 2032416000 | 0 | 2032416000 |
| 23 | Food | Revenue | 187259000 | 0 | 187259000 |
| | | Capital | 287681000 | 0 | 287681000 |
| 24 | Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department | Capital | 1000 | 0 | 1000 |
| 25 | Forests and Environment Department | Revenue | 38714000 | 0 | 38714000 |
| 26 | Forests | Revenue | 1781438000 | 1333000 | 1782771000 |
| | | Capital | 1503659000 | 0 | 1503659000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 27 | Environment | Revenue | 94855000 | 0 | 94855000 |
| 28 | Other expenditure pertaining to Forest and Environment Department. | Capital | 742000 | 0 | 742000 |
| 29 | Governor | Revenue | 0 | 26266000 | 26266000 |
| 30 | Council of Ministers | Revenue | 13677000 | 0 | 13677000 |
| 31 | Elections | Revenue | 4743682000 | 0 | 4743682000 |
| | | Capital | 1000 | 0 | 1000 |
| 32 | Public Service Commission | Revenue | 53145000 | 74245000 | 127390000 |
| 33 | General Administration Department | Revenue | 375896000 | 0 | 375896000 |
| 34 | Economic Advice and Statistics | Revenue | 117642000 | 0 | 117642000 |
| 35 | Other expenditure pertaining to General Administration Department | Revenue | 87382000 | 1087000 | 88469000 |
| | | Capital | 3564534000 | 0 | 3564534000 |
| 36 | State Legislature | Revenue | 154765000 | 1737000 | 156502000 |
| 37 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | Capital | 967000 | 0 | 967000 |
| 38 | Health and Family Welfare Department | Revenue | 46987000 | 0 | 46987000 |
| 39 | Medical and Public Health | Revenue | 18571581000 | 0 | 18571581000 |
| | | Capital | 2598590000 | 0 | 2598590000 |
| 40 | Family Welfare | Revenue | 6426324000 | 0 | 6426324000 |
| | | Capital | 16667000 | 0 | 16667000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | Revenue | 0 | 904000 | 904000 |
| | | Capital | 500000 | 0 | 500000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|---|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 42 | Home Department | Revenue | 59068000 | 0 | 59068000 |
| 43 | Police | Revenue | 15528217000 | 0 | 15528217000 |
| 44 | Jails | Revenue | 496007000 | 0 | 496007000 |
| 45 | State Excise | Revenue | 64545000 | 0 | 64545000 |
| 46 | Other expenditure pertaining to Home Department. | Revenue | 1087026000 | 2000000 | 1089026000 |
| | | Capital | 1739934000 | 0 | 1739934000 |
| 47 | Industries and Mines Department. | Revenue | 58164000 | 0 | 58164000 |
| 48 | Stationery and Printing | Revenue | 235815000 | 0 | 235815000 |
| 49 | Industries | Revenue | 11685830000 | 0 | 11685830000 |
| | | Capital | 62117000 | 0 | 62117000 |
| 50 | Mines and Minerals | Revenue | 638263000 | 0 | 638263000 |
| | | Capital | 1033000 | 0 | 1033000 |
| 51 | Tourism | Revenue | 254347000 | 0 | 254347000 |
| | | Capital | 1451833000 | 0 | 1451833000 |
| 52 | Other expenditure pertaining to Industries and Mines Department | Revenue | 283577000 | 0 | 283577000 |
| | | Capital | 379683000 | 0 | 379683000 |
| 53 | Information and Broadcasting Department | Revenue | 5803000 | 0 | 5803000 |
| 54 | Information and Publicity | Revenue | 414786000 | 0 | 414786000 |
| 55 | Other expenditure pertaining to Information and Broadcasting Department | Revenue | 38913000 | 0 | 38913000 |
| | | Capital | 500000 | 0 | 500000 |
| 56 | Labour and Employment Department | Revenue | 67697000 | 0 | 67697000 |
| 57 | Labour and Employment | Revenue | 3281845000 | 0 | 3281845000 |
| 58 | Other expenditure Pertaining to Labour and Employment Department | Capital | 57000 | 0 | 57000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|---|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 59 | Legal Department | Revenue | 43157000 | 0 | 43157000 |
| 60 | Administration of Justice | Revenue | 2918691000 | 488679000 | 3407370000 |
| 61 | Other expenditure pertaining to Legal Department | Revenue | 295407000 | 0 | 295407000 |
| | | Capital | 1733000 | 0 | 1733000 |
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 25160000 | 0 | 25160000 |
| 63 | Other expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 1000 | 0 | 1000 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 64046000 | 0 | 64046000 |
| 65 | Narmada Development Scheme | Capital | 16500000000 | 0 | 16500000000 |
| 66 | Irrigation and Soil Conservation | Revenue | 3827396000 | 0 | 3827396000 |
| | | Capital | 12601151000 | 133333000 | 12734484000 |
| 67 | Water Supply | Revenue | 713000000 | 0 | 713000000 |
| | | Capital | 6798367000 | 0 | 6798367000 |
| 68 | Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department. | Revenue | 0 | 666667000 | 666667000 |
| | | Capital | 533000 | 0 | 533000 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 30250000 | 0 | 30250000 |
| 70 | Community Development | Revenue | 9505579000 | 0 | 9505579000 |
| 71 | Rural Housing and Rural Development | Revenue | 7842371000 | 1336533000 | 9178904000 |
| | | Capital | 8124000 | 0 | 8124000 |
| 72 | Compensation and Assignments | Revenue | 458490000 | 0 | 458490000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 73 | Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 2633973000 | 0 | 2633973000 |
| | | Capital | 7333000 | 0 | 7333000 |
| 74 | Transport | Revenue | 1665477000 | 0 | 1665477000 |
| 75 | Other expenditure pertaining to Ports and Transport Department | Revenue | 201076000 | 0 | 201076000 |
| | | Capital | 18034000 | 0 | 18034000 |
| 76 | Revenue Department | Revenue | 129521000 | 0 | 129521000 |
| 77 | Tax collection charges(Revenue Department) | Revenue | 1006913000 | 33000 | 1006946000 |
| 78 | District Administration | Revenue | 1834174000 | 0 | 1834174000 |
| 79 | Relief on account Natural Calamities | Revenue | 6097635000 | 0 | 6097635000 |
| | | Capital | 250000000 | 0 | 250000000 |
| 80 | Dangs District | Revenue | 185218000 | 0 | 185218000 |
| 81 | Compensation and Assignment | Revenue | 1003535000 | 233000 | 1003768000 |
| | | Capital | 100000 | 67000 | 167000 |
| 82 | Other expenditure pertaining to Revenue Department | Revenue | 6216000 | 0 | 6216000 |
| | | Capital | 870000 | 0 | 870000 |
| 83 | Roads and Building Department | Revenue | 80697000 | 0 | 80697000 |
| 84 | Non-Residential Buildings | Revenue | 2220770000 | 4233000 | 2225003000 |
| | | Capital | 2950493000 | 0 | 2950493000 |
| 85 | Residential Buildings | Revenue | 670762000 | 0 | 670762000 |
| | | Capital | 667840000 | 0 | 667840000 |
| 86 | Roads and Bridges | Revenue | 11120488000 | 15667000 | 11136155000 |
| | | Capital | 9253771000 | 35000000 | 9288771000 |
| 87 | Gujarat Capital Construction Scheme | Revenue | 54584000 | 0 | 54584000 |
| | | Capital | 848033000 | 300000 | 848333000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 88 | Other expenditures pertaining to Roads and Buildings Department | Revenue | 98792000 | 66667000 | 165459000 |
| | | Capital | 12417000 | 0 | 12417000 |
| 89 | Science and Technology Department | Revenue | 1001280000 | 0 | 1001280000 |
| 90 | Other expenditure pertaining to Science and Technology Department | Revenue | 601500000 | 0 | 601500000 |
| | | Capital | 3835000 | 0 | 3835000 |
| 91 | Social Justice and Empowerment Department | Revenue | 27744000 | 0 | 27744000 |
| 92 | Social security and welfare | Revenue | 6357429000 | 8000000 | 6365429000 |
| | | Capital | 2067713000 | 0 | 2067713000 |
| 93 | Welfare of Scheduled Tribes | Revenue | 1645198000 | 0 | 1645198000 |
| | | Capital | 102149000 | 0 | 102149000 |
| 94 | Other expenditure pertaining to Social Justice and Empowerment Department | Capital | 533000 | 0 | 533000 |
| 95 | Scheduled Castes sub-plan | Revenue | 12961588000 | 0 | 12961588000 |
| | | Capital | 2516499000 | 0 | 2516499000 |
| 96 | Tribal Area sub-plan | Revenue | 27693125000 | 16667000 | 27709792000 |
| | | Capital | 13208329000 | 3333000 | 13211662000 |
| 97 | Sports, Youth and Cultural Activities Department | Revenue | 23833000 | 0 | 23833000 |
| 98 | Youth services and Cultural Activities | Revenue | 1299268000 | 0 | 1299268000 |
| | | Capital | 134500000 | 0 | 134500000 |
| 99 | Other expenditure pertaining to Sports, Youth and Cultural Activities Department | Capital | 701000 | 0 | 701000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|---|---------------------|--------------------|---|--------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 100 | Urban Development and Urban Housing Department | Revenue | 19982000 | 0 | 19982000 |
| 101 | Urban Housing | Revenue | 3311468000 | 620075000 | 3931543000 |
| 102 | Urban Development | Revenue | 29473139000 | 0 | 29473139000 |
| | | Capital | 1868333000 | 0 | 1868333000 |
| 103 | Compensation, Assignment and Tax Collection Charges | Revenue | 577333000 | 100000000 | 677333000 |
| 104 | Other expenditure Pertaining to Urban Development and Urban Housing Department | Revenue | 689000 | 0 | 689000 |
| | | Capital | 33000 | 0 | 33000 |
| 105 | Women and Child Development Department | Revenue | 16183000 | 0 | 16183000 |
| 106 | Other expenditure pertaining to Women and Child Development Department | Revenue | 6849434000 | 2833000 | 6852267000 |
| | | Capital | 96950000 | 0 | 96950000 |
| 107 | Climate Change Department | Revenue | 3857000 | 0 | 3857000 |
| 108 | Other expenditure Pertaining to Climate Change Department | Revenue | 337000000 | 0 | 337000000 |
| | Total Revenue | Revenue | 418966533000 | 72445560000 | 491412093000 |
| | Total Capital | Capital | 95666588000 | 55475178000 | 151141766000 |
| | Grand Total | | 514633121000 | 127920738000 | 642553859000 |

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (2) of article 206 of the Constitution of India, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Gujarat and the grants made in

advance by the Legislative Assembly in respect of the estimated expenditure for a part of the financial year ending on the 31st March 2020.

The amounts are shown below: -

₹

(a) Revenue Expenditure 491412093000

(b) Capital Expenditure 151141766000

Total :-

642553859000

Dated the 21st February, 2019.

NITIN PATEL.

By Order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 21st February, 2019.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill was introduced on the 21st February, 2019 by Shri Harshadbhai Ribadiya, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information:-

GUJARAT BILL NO 7 OF 2019.

THE GUJARAT FARMERS' LOAN WAIVING BILL, 2018.

A BILL

to provide for waiving of pending debts of the farmers in the State of Gujarat and for matters connected therewith.

It is hereby enacted in the Sixty-ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Farmers' Loan Waiving Act, 2018 Short title and commencement

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:

Definitions

(a) "Devaa Maafee" means waiving of any loans of the farmers of the State taken from any Nationalised Bank or Co-operative Bank or any financial institution registered with the State Government on the date of coming into force of this Act.

(b) "District Collector" means the Collector of the District.

(c) "Khedut" means any farmer who cultivates land in any quantity in the State of Gujarat.

(d) "State Government" means the Government of Gujarat.

(e) "Rules" means the rules made by the State Government under this Act.

3. All the loans of the khedut taken from any of the Nationalised Bank or any Co-operative Bank or any financial institution registered with the State Government, on the date of coming into force of this Act, shall be waived within three months of the coming into force of this Act.

4. (1) The State Government shall bear the responsibility of the repayment of these loans.

(2) The State Government may ask the Government of India for the share of this loans.

5. (1) The District Collector shall collect the information about loans pending of the khedut within one month of the coming into force of this Act.

(2) The District Collector shall submit this information to the State Government within one month.

(3) The State Government shall issue orders for a waiving of the loans within one month.

6. The State Government may make rule for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

The khedut is called "Anna Daataa" as he works hard for cultivating the farm and produces the foods, fruits etc. However, his economic condition is very pitiable. He has mostly to depend on irregular rainfall, changing weather conditions, which sometimes causes heavy damage to the crop. The Government policies and the market system also play a bad role and the khedut becomes unable even to get basic cost of farming and sometime he has to bear heavy loss. Khedut is a poor person, he manages all his farming expenses by taking loans. Many a times his crop fails due to heavy or less rainfall, bad weather and also a damage by insects, and he becomes a debtor and cannot repay his loans.

During recent election Mr. Prime Minister had promised to waive the loans of the farmers but nothing has been done till this date. But the U. P. Govt. has recently taken decision to waive the farmers' loan up to 1 lakh. The Maharashtra Government has also made a scheme named the Chhatrapati Shivaji Maharaj Shetkaree Sanman Yojna and waived loans of farmers.

In the past the Janta Dal Govt. had waived the farmers' loans of about 6000 crores and the U. P. Govt. had waived the loans of about 71,600 crores in 2008.

The Gujarat Govt. has waived one percent interest on agricultural loans obtained from Co-operative Banks, but it is nothing against the heavily indebttness of the farmers of Gujarat.

As Gujarat has been projected as the Model State and the farmers of Gujarat are also overburdened with the Bank loans, it is expedient to have a law to waive pending loans of the farmers and help the "Anna Daataa" to live a respectful life.

Hence this Bill.

Gandhinagar,

Dated the 13th March, 2018.

HARSHADBHAI RIBADIYA

M.L.A.

FINANCIAL MEMORANDUM.

Clause 4 of the Bill provides for bearing the responsibility of the loans of the farmers by the State Government. An expenditure of Rs. 50,000 crore is estimated to be involved from the Consolidated Fund of Gujarat which will be non-recurring.

Gandhinagar,
Dated the 13th March, 2018.

HARSHADBHAI RIBADIYA
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 6 of the Bill empowers the State Government to make rules for carrying out the purposes of this Act which is normal in nature.

Gandhinagar,
Dated the 13th March, 2018.

HARSHADBHAI RIBADIYA
M.L.A.

Gandhinagar,
Dated the 21st February, 2019.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 21st February, 2019 by Shri Virjibhai Thummar, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information:-

GUJARAT BILL NO 8 OF 2019.

THE GUJARAT CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2018.

A BILL

furtherto amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 2018.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

Guj. X of 1962. 2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act") after section 116, add the following section, namely:-

"116A. This Chapter shall also apply to Land Development Banks for advancing loans to such non-farm sector persons as may be decided by the Board of Directors of the Bank, for advancing loans against land mortgage, gold mortgage, or loans for trade or for small industries on personal bonds, or loans for house building to employees on personal bonds or for any other purposes as may be decided by the Board of Directors of the Bank in this behalf."

STATEMENT OF OBJECTS AND REASONS

Section 116 of the Gujarat Co-operative Societies Act, 1961 provides for the applications of "Chapter XL Land Development Banks" to certain Land Development Banks advancing loans for the purposes mentioned in the section. Accordingly, the loans are advanced only to the members. This Bill aims at advancing loans to persons other than the members i.e. persons of non-farm sector, against the land mortgage, gold mortgage, or loans for trades or small industries on personal bonds or loans for house building to employees on personal bonds or for any other purposes as may be decided by the Board of Directors of the Bank. As the Land Development Banks get finance from NABARD and NABARD is regarded as the Reserve Bank for overall development of the farmers, it is expedient to make similar provision for advancement of loans also to the non farm sector persons who are not members.

Hence this Bill.

Gandhinagar,
Dated 19th March, 2018.

VIRJIBHAI THUMMAR,
M.L.A.

Gandhinagar,
Dated the 21st February, 2019.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

**THE CIGARETTES AND OTHER TOBACCO PRODUCTS
(PROHIBITION OF ADVERTISEMENT AND REGULATION OF
TRADE AND COMMERCE, PRODUCTION, SUPPLY AND
DISTRIBUTION) (GUJARAT AMENDMENT) BILL, 2019.**

GUJARAT BILL NO 9 OF 2019.

A BILL

further to amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in its application to the State of Gujarat.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (Gujarat Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force at once.

Amendment of section 3 of 34 of 2003. 2. In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as “the principal Act”), in **34 of 2003.** section 3, after clause (c), the following clause shall be inserted, namely:-

“(c-a) “Electronic Nicotine Delivery Systems (ENDS)” means the devices that heat a solution to create an aerosol, which frequently also contains flavours, usually dissolved into propylene Glycol and/or Glycerin and the Electronic cigarettes, the most common prototype, are devices like E-Cigarettes, Heat Not-Burn devices, Vape, E-Sheesha, E-Nicotine flavoured Hookah and the like devices by whatever name called, that do not burn or use tobacco leaves but instead vaporise a solution, which the user then inhales;”.

Insertion of new section 4B in 34 of 2003. 3. In the principal Act, after section 4A, the following section shall be inserted, namely:-

Prohibition on ENDS or Electronic Cigarettes. “**4B.** Notwithstanding anything contained in this Act or in any other law for the time being in force, no person shall, either on his own or on behalf of any other person, manufacture, sale (including online sale), distribute, trade, import or advertise Electronic Nicotine Delivery Systems (ENDS) or the Electronic Cigarettes.”.

Insertion of new section 13B in 34 of 2003. 4. In the principal Act, after section 13A, the following section shall be inserted, namely:-

Power to seize. “**13B.** If any police officer, not below the rank of a Sub-Inspector, authorised by the State Government, has reason to believe that the provisions of section 4B have been, or are being contravened, he may

seize any material or article used as a subject or means of ENDS or Electronic Cigarettes.”.

5. In the principal Act, in section 21A,

(i) for the words, figure and letter “the provisions of section 4A”, the words, figure and letters “the provisions of section 4A or 4B” shall be substituted;

**Amendment
of section
21A of 34 of
2003.**

(ii) in the marginal note, after the words “hookah bar”, the words “or using ENDS or Electronic Cigarettes” shall be added.

6. In the principal Act, for section 27A, the following section shall be substituted, namely :-

**Substitution
of section
27A of 34 of
2003.**

Offences under sections 4A and 4B to be cognizable. “27A. Offences under sections 4A and 4B shall be cognizable.”.

STATEMENT OF OBJECTS AND REASONS

The Central Government has enacted the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 to prohibit the advertisement of, and to provide for the regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products. The said Act is enacted in terms of the Resolution passed by World Health Organisation on the 15th May, 1986 and the another resolution passed on the 17th May, 1990 urging the Members States *inter alia* to protect children and young people from being addicted to the use of tobacco.

With the passage of time, new and varied system of consuming tobacco or the other tobacco products that have some amount of nicotine are coming into vogue which are harmful to the health and hygiene of the persons of all ages. Now nicotine which is involved in the Electronic Nicotine Delivery Systems or the Electronic Cigarettes is considered prohibited for use as a food item under Food Safety and Standards (Prohibition and Food Safety and Standards Regulations, 2011 of the Food Safety and Standards Act, 2006; and also both Nicotine and Nicotine Sulphate are listed as hazardous chemicals in the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 made under the Environment (Protection) Act, 1986; likewise, nicotine is also listed as an insecticide in the Schedule of insecticides under the Insecticide Act 1968, and as per the World Health Organization Report on the Global Tobacco Epidemic 2017, the Governments of thirty (30) countries including Mauritius, Australia, Singapore, Korea (Democratic People's Republic), Sri Lanka, Thailand, Brazil, Mexico, Uruguay, Bahrain, Iran, Saudi Arabia, United Arab Emirates etc, have already banned Electronic Nicotine Delivery System (ENDS) in their countries considering the possibilities that children, adolescents & youth (and generally non-smokers) will initiate nicotine use through ENDS at a rate greater than expected if ENDS did not exist; and that, once addicted to nicotine through ENDS, such children, adolescents are likely to switch to smoking. The Government of India has also issued advisory to all States to put a ban on in larger public health interest and in order to prevent the initiation of ENDS by non-smokers and youth with

special attention to vulnerable groups, to ensure that any Electronic Nicotine Delivery Systems (ENDS) including e-Cigarettes, Heat-Not-Burn devices, Vape, e-Sheesha, e-Nicotine Flavoured Hookah, and the like devices that enable nicotine delivery are not sold (including online sale), manufactured, distributed, traded, imported and advertised in their jurisdictions, it is considered necessary to regulate and put a ban on the ENDS including e-cigarettes etc. mentioned above in the State of Gujarat.

In order to achieve the aforesaid purpose, it is considered expedient to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

This Bill seeks to amend the said Central Act of 2003 to achieve the aforesaid object.

Dated the 27th June, 2019.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 27th June, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legiaslative and Parliamentary Affairs
Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the
proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE INDIAN PARTNERSHIP (GUJARAT AMENDMENT) BILL, 2019.

GUJARAT BILL NO 10 OF 2019.

A BILL

*further to amend the Indian Partnership Act, 1932 in its application to the
State of Gujarat.*

It is hereby enacted in the Seventieth Year of the Republic of
India as follows:-

1. (1) This Act may be called the Indian Partnership (Gujarat
Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may,
by notification in the *Official Gazette*, appoint.

Substitution of
Schedule I to 9
of 1932.

2. In the Indian Partnership Act, 1932, in its application to the State of Gujarat, for Schedule I, the following Schedule shall be substituted, namely:-

“SCHEDULE I

MAXIMUM FEES

(See sub-section (1) of section 71)

| Document or act in respect of which the fee is payable | Maximum fee |
|--|---|
| Statement under section 58 | Three hundred rupees. |
| Statement under section 60 | One hundred fifty rupees |
| Intimation under section 61 | One hundred fifty rupees |
| Intimation under section 62 | One hundred fifty rupees |
| Notice under section 63 | One hundred fifty rupees |
| Application under section 64 | One hundred fifty rupees |
| Inspection of the Register of Firms under sub-section (1) of section 66 | Fifty rupees for inspecting one volume of the register |
| Inspection of documents relating to a firm under sub-section (2) of section 66 | Fifty rupees for inspection of all documents relating to one firm |
| Copies from the Register of Firms | Fifty rupees for each hundred words or part thereof.”. |

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 71 of the Indian Partnership Act, 1932, in its application to the State of Gujarat, empowers the State Government to prescribe by rules, the fees which shall accompany documents sent to the Registrar of Firms, or which shall be payable for inspection of documents in the custody of the Registrar of Firms, or for copies from the Registrar of Firms. According to the proviso to sub-section (1) of the said section 71, such fees shall not exceed the maximum fees specified in the Schedule-I to the Act. The maximum fees specified in the said Schedule I have not been enhanced since April, 1991 by the State of Gujarat, although the administrative expenses and stationary charges have progressively increased during this period. It is, therefore, proposed to increase the maximum fees specified in the said Schedule I to meet with such growing expenses.

This Bill seeks to amend the said central Act of 1932 to achieve the aforesaid object.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 28th June, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 28th June, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT STAMP (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 11 OF 2019.

A BILL

further to amend the Gujarat Stamp Act, 1958.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Stamp (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
Schedule I to
Bom. LX of
1958.**

2. In the Gujarat Stamp Act, 1958, in Schedule I,-

**Bom. LX of
1958.**

- (i) in article 2, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (ii) in article 3, for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (iii) in article 4, for the words “Twenty rupees”, the words “Fifty rupees” shall be substituted;
- (iv) in article 5, in clause (h), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (v) in article 9, in clauses (a) and (b), for the words “One hundred rupees”, occurring at two places, the words “Three hundred rupees” shall be substituted, respectively;
- (vi) in article 10, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (vii) in article 11, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (viii) in article 13, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (ix) in article 16, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (x) in article 19, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xi) in article 21, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xii) in article 22, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xiii) in article 23, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;

- (xiv) in article 25, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xv) in article 29, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xvi) in article 32, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xvii) in article 33, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xviii) in article 34, for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (xix) in article 35, in clause (a), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xx) in article 38, for the words “Twenty rupees”, the words “Fifty rupees” shall be substituted;
- (xxi) in article 39, in clause (g), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxii) in article 41, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxiii) in article 44,-
 - (a) in clause (2), in sub-clause (b), for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted,
 - (b) in clause (3), in sub-clause (b), for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (xxiv) in article 45,-
 - (a) in clauses (a),(b),(c),(d) and (e), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted,

- (b) in clause (f), in item (ii), in sub-item (a), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (c) in clause (h), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxv) in article 46, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxvi) in article 47, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxvii) in article 48, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxviii) in article 48-A, in clause (a), for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxix) in article 49, in clause (a), for the words “One hundred rupees”, the words “Two hundred rupees” shall be substituted;
- (xxx) in article 51, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxxi) in article 55, for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxxii) in article 56, in clauses (b),(c) and (d) for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted;
- (xxxiii) in article 58, in clauses (a) and (b) for the words “One hundred rupees”, the words “Three hundred rupees” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Certain instruments are chargeable with duty of the amount indicated in Schedule I to the Gujarat Stamp Act, 1958. The fixed stamp duty rate on some Articles under the said Schedule I has not been enhanced since 2014, although the transaction volume and value both have increased many times due to economic growth in the country and the State. It is, therefore, considered necessary to further rationalize the various fixed stamp duty rates in order to bring in reasonability, rationality and simplicity for the public in general.

This Bill seeks to amend the said Act of 1958 to achieve the aforesaid object.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill provides for delegation of legislative power in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the said Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 2nd July, 2019.

KAUSHIK PATEL.

By Order and in the name of the Governor of Gujarat,

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 2nd July, 2019

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules: -

**THE GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE
PROPERTY AND PROVISION FOR PROTECTION OF TENANTS
FROM EVICTION FROM PREMISES IN THE DISTURBED AREAS
(AMENDMENT) BILL, 2019.**

GUJARAT BILL NO. 12 OF 2019.

A BILL

*further to amend the Gujarat Prohibition of Transfer of Immovable Property
and Provision for Protection of Tenants from Eviction from premises in the
Disturbed Areas Act, 1991.*

It is hereby enacted in the Seventieth Year of the Republic of India as
follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2019.

(2) It shall come into force at once.

Amendment in section 2 of Guj. 12 of 1991.

2. In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 (hereinafter referred to as “the principal Act”), in section 2, -

Guj. 12 of 1991.

(i) in clause (a), after the words and figure “under section 3”, the words “and includes an area of five hundred meters adjacent to the boundary of the disturbed area” shall be added;

(ii) after clause (c), the following new clauses shall be added, namely:-

“(d) “proper clustering of persons of one community” with all grammatical variations and cognate expressions shall mean, in relation to a geographical area, a small or large social unit or a group of living things who have something in common, such as norms, religion, values, or identity and often share a sense of place that is situated in a given geographical area;

(e) “transfer” for the purposes of this Act in relation to an immovable property means a transfer of right, title or interest in or over such property or the possession thereof by way of sale, gift, exchange, lease or otherwise and includes allowing possession of such property to be taken or retained-

(i) under an agreement to sale; or

(ii) under the power of attorney; or

(iii) in part performance of contract of the nature referred to the nature referred to in section 53A of the Transfer of Property Act, 1882; or

(iv) under any other document, whether registered or not or whether notarized or not, evidencing transfer of possession of such property.

- (f) “re-development of immovable property” means and includes the action or process of developing something again or differently with or without demolishing the existing immovable property;
- (g) “rehabilitation scheme” means a scheme made and specified as such for the purposes of this Act by notification in the *Official Gazette*, by State Government for relocating the persons displaced from the lands due to Government projects like rail, road, buildings, bridges, dams, and the like.
- (h) “Collector” means the Collector appointed by the State Government under section 8 of the Gujarat Land Revenue Code, 1879.”.

V of 1879.

3. In the principal Act, for the section 3, the following section shall be substituted, namely:-

**Declaration of
disturbed area.**

- “3. (1) Where the State Government is of the opinion that, –
- (i) having regard to the intensity and duration of riot or violence of mob and such other factors in any area of the State, the public order in that area was disturbed for a substantial period by reason of riot or violence of mob; or
- (ii) polarization of persons belonging to one community has taken place or is likely to take place disturbing the demographic equilibrium of the persons of different communities residing in that area or that improper clustering of persons of one community has taken place or is likely to take place where the mutual and peaceful coherence amongst different communities may go haywire in that area; or
- (iii) for the reasons stated in this sub-section, that area of the State has become prone to disturbance of public order,
- it may, by notification in the *Official Gazette*,
- (a) declare such area to be a disturbed area;

(b) specify the substantial period (hereinafter referred to as "the specified period").

XLV of 1860. *Explanation.* - In this section the word "riot" shall have the same meaning as in section 146 of the Indian Penal Code.

(2) Where the State Government is of opinion that public order in the area declared as disturbed area under sub-section (1) has ceased to be disturbed, it may by notification in the *Official Gazette*, rescind the notification issued under sub-section (1) in relation to such area and on such rescission the provisions of this Act shall cease to apply to such area except as respects things done or omitted to be done under this Act and except as respects the application of the Gujarat Rents, Hotel and Lodging House Rates Control Act, 1947 to such area, as amended by this Act.”.

4. In the principal Act, for section 4, the following section shall be substituted, namely:-

Certain transfers of immovable property to be void.

“4. Notwithstanding anything contained in any law for the time being in force but subject to sub-section (1) of section 5, all transfers of immovable property situated in a disturbed area made during the specified period shall be null and void, with effect from the date of such transfer.”.

5. In the principal Act, in section 5, in sub-section (3), for clauses (b) and (c), the following clauses shall be substituted, namely:-

Bom. V of 1879. “(b) On receipt of such application, the Collector shall hold a formal inquiry in the manner provided by the Gujarat Land Revenue Code, 1879, and after giving an opportunity to the applicant to be heard and after considering any evidence produced, decide whether –

(i) the immovable property is sought to be transferred in terms of clause (e) of section 2;

- (ii) there is free consent of persons intending to be the transfer or and the transferee;
- (iii) the transfer is for a fair value of immovable property proposed to be transferred;
- (iv) there is likelihood of polarization of the persons belonging to the community causing disturbance in demographical equilibrium of the persons belonging to different communities residing in the area in which the immovable property is proposed to be transferred;
- (v) there is likelihood of improper clustering of persons belonging to one community in the area in which the immovable property is proposed to be transferred and accordingly,-
 - (a) reject the application; or
 - (b) by an order in writing, give previous sanction to the proposed transfer of immovable property.

(c) The Collector shall decide the application made under sub-section (2) preferably within a period of three months from the date of receipt of application:

Provided that the Collector may extend the said period by recording reasons which necessitated extension of the said period.”.

6. In the principal Act, for section 5A, the following section shall be substituted, namely:-

Obligations of transferor and transferee who have received advantage under null and void orders.

“5A. (1)(a) Where a transfer of immovable property is null and void under section 4, the transferor who has received any consideration for such transfer shall return the consideration to the transferee-

- (i) where such transfer is made before the date of commencement of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the

Guj. of
2019..

Disturbed Areas (Amendment) Act, 2019, within six months from the date of such commencement, or

(ii) where such transfer is made after the date of such commencement, within six months from the date of such transfer.

(b) the transferee or any other person on whose behalf of such transferee (hereinafter in this section referred to as the 'agent' has possession of such immovable property shall restore the property to the transferor within the said period of six months.

(c) the transferee shall not make any improvement in the property and the Collector may, by an order, restrain the transferee to make any improvement in the property.

(2) (a) Where a transferor fails to return the consideration to the transferee within the said period of six months, or

(b) where a transferee or his agent fails to restore possession of the immovable property to the transferor within the said period of six months, the transferee in case of clause (a) of sub-section (1) and the transferor in case of clause (b) of sub-section (1) may make an application in such form and within such period as may be prescribed, to the Collector for making an order directing the transferor to return the consideration to the transferee or, as the case may be, directing the transferee to restore possession of the immovable property to the transferor.

(3) The Collector may at any time *suo motu* or on application made to him under sub-section (2), shall, after making a formal inquiry in the manner prescribed by the Gujarat Land Revenue Code, 1970 and after giving the transferor and the transferee or, as the case may be, his agent an opportunity of being heard and after considering any evidence which may be produced, make an order in writing directing the transferor to return such consideration to the transferee within such

Bom. V of 1879.

time as may be specified in the order or, as the case may be, an order in writing directing the transferee or his agent to restore the possession of the immovable property to the transferor within such time as may be specified in the order or make such other order as he deems fit.

(4)(a) Where the transferor fails to return the consideration to the transferee within the time specified in the order made under sub-section (3), the Collector may recover the consideration from the transferor as an arrear of land revenue and pay the same to the transferee after deducting the expenses for such recovery.

(b) Where the transferee or his agent fails to restore possession of the immovable property within the time specified in the order made under sub-section (3), the Collector may, notwithstanding anything to the contrary contained in any law for the time being in force, evict the transferee or his agent from the immovable property and take possession of such property and may, for such purpose use or cause to be used such force as may be necessary, and restore the possession of such property to the transferor.

(5) Where a transferor fails to take possession of such property, the property shall temporarily be in the custody of the Collector and the Collector may take such measures as he considers necessary or expedient for securing and managing such property subject to the provision of the rules made in this behalf until the said property is disposed of by the Collector in the manner as may be prescribed.”.

7. In the principal Act, for section 6, the following section shall be substituted, namely:-

Appeal. “6. (1) Any person aggrieved by the decision of the Collector rejecting an application under sub-section (2) of section 5 may file an appeal before the State Government in such manner, within such time, and on payment of such fees, as may be prescribed:

Provided that if the Appellate Officer is satisfied that such person was prevented from preferring an appeal within the prescribed time limit for sufficient cause, he may entertain the appeal even after such prescribed time limit.

(2) The State Government shall, after affording an opportunity of being heard to such person, may confirm, revise or dismiss the order against which appeal is preferred.”.

Insertion of new sections 6A to 6E in Guj. 12 of 1991.

8.

In the principal Act, after section 6, the following sections shall be inserted, namely:-

Sections 4 and 5 not to apply to certain transfer of immovable property in rehabilitation schemes.

“6A. (1) Nothing in section 4 and 5 shall apply to the transfers of immovable properties by the persons residing in such rehabilitation schemes of the State Government in the disturbed area, as may be specified by the State Government by notification in the *Official Gazette*.

(2) Nothing in section 5 shall apply where the State Government relocates the persons in any of its rehabilitation schemes falling in the disturbed area.

Redevelopment of immovable property.

6B. Any person who desires to *redevelop* the immovable property standing in his name in the revenue records for further transfer whole or part thereof after redevelopment, shall apply under sub-section (1) of section 5 for getting previous sanction of the Collector and thereupon, the remaining provisions of section 5 shall apply to such application *mutatis mutandis*;

Provided that previous sanction of the Collector shall not be required in case a person intends to redevelop his immovable property for his personal use.

Revision.

6C. The State Government may, on its own motion or on application, call for and examine the records of any order passed or proceeding taken under the provisions of this Act and against which no appeal has been

preferred under section 7 for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure and pass such order with respect thereto as it may think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

Penalty for
contravention of
provisions of the
Act.

6D. Whoever contravenes the provisions of section 4, 5 or 6 shall on conviction be punished with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine which shall not be less than rupees one lakh or ten per cent. of the value of property derived based on the *jantry* of the property, whichever is higher, shall be levied.

Cognizable
offence.

6E. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under section 6D shall be cognizable.”.

2 of 1974.

Insertion of new
sections 16A to
16C in Guj. 12 of
1991.

8.

In the Principal Act, after section 16, the following sections shall be inserted, namely:-

Constitution of
Monitoring and
Advisory
Committee.

“16A. (1) The State Government shall, as soon as may be after the commencement of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2019, constitute a Committee called the Monitoring and Advisory Committee.

Guj. of 2019.

(2) The Monitoring and Advisory Committee shall consist of a Chairperson and such number of other official members as the State Government may deem fit.

(3) The Monitoring and Advisory Committee shall conduct or cause to be conducted studies in the disturbed areas to ascertain from time to time whether the proper clustering of people of the community is maintained.

(3) The Monitoring and Advisory Committee shall advise -

(a) the State Government either generally as regards any rules or for any other purpose connected with this Act;

(b) the Collector in discharge of his functions under this Act.

**Additional
Provisions.**

16B. Notwithstanding anything contained in –

**Guj. 10 of
1962.**

(1) the Gujarat Co-operative Societies Act, 1961, the persons seeking to register a co-operative housing society or Chairman or Secretary of the society shall, when a person before transferring his right, title or interest in his holding in a cooperative society in the specified area, along with the application for registration of such society, or as the case may be, before transferring his right, title or interest in his holding in such society shall file a self-declaration that no breach of section 4 or 5 shall take place due to registration of the co-operative housing society or transfer of right, title or interest in his holding in such society.

**Bom. LIX of
1949.**

(2) the Gujarat Provincial Municipal Corporations Act, 1949, the person shall, at the time of applying for the permission for getting building use of immovable property situated in the specified area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of sections 4 or 5;

Guj. 34 of 1964.

(3) the Gujarat Municipalities Act, 1963, the person shall, at the time of applying for the permission for getting building use of immovable property situated in the disturbed area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of section 4 or 5;

XVI of 1908.

(4) the Indian Registration Act, 1908, the registering authority shall not accept or register any document relating to immovable property situated in the specified area which is required to be compulsorily registered unless the order granting previous sanction of the Collector under section 5 is produced along with the document sought to be registered.

**Special
Investigation
Team.**

16C. The State Government shall constitute a Special Investigation Team for Police Commissionerate area comprising of Collector, Police Commissioner and Municipal Commissioner and for rest of area a team comprising of Collector, Superintendent of Police and Regional Municipal Commissioner of the concerned district.

(2) The special investigation team shall discharge the following functions, namely:-

(i) assist the State Government in forming opinion before declaration of any area to be a disturbed area under section 3;

(ii) assist the authorized officer in examining the cases as may be referred by the authority before grant of sanction or otherwise under section 5;

(iii) assist the Monitoring and Advisory Committee in gathering necessary information in regard to sub-section (3) of section 16A.

**Amendment of
certain Acts.**

16D. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

SCHEDULE

(See section 16D)

| Sr. No. | Short title | Extent of Amendment. | |
|--------------------|---|--|---|
| 1 | 2 | 3 | |
| 1. | The Indian Registration Act, 1908. (XVI of 1908) | Amendment of section 17 of XVI of 1908. | In the Registration Act, 1908 in its application to the State of Gujarat, in section 17, in sub-section (1), - (i) to clause (e), after the existing proviso, the following proviso and Explanation thereunder shall be inserted, namely:- “Provided further that the registering authority shall not accept or register any document relating to immovable property situated in the disturbed area which is required to be |

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|---|---|--|--|
| | | | <p>compulsorily registered unless the order granting previous sanction of the Collector under section 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 is produced along with the document sought to be registered.</p> <p><i>Explanation.-</i> For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991”.</p> |
| 2 | The Gujarat Provincial Municipal Corporations Act, 1949. (Bom. LIX of 1949) | Insertion of new section 263B in Bom. LIX of 1949. | <p>“263B. Permission for getting building use of immovable property situated in the disturbed area. The person shall, at the time of applying for the permission for getting building use of immovable property situated in the disturbed area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and</p> |

Guj. 12 of 1991.

Guj. 12 of 1991.

| | | | |
|----|---|---|---|
| | | | <p>Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.</p> <p><i>Explanation.-</i> For the purpose of this section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.”.</p> |
| 3. | The Gujarat Municipalities Act, 1963. (Guj. 34 of 1964) | Amendment of section 157 of Guj. 34 of 1964. | <p>In the Gujarat Municipalities Act, 1964, in section 157, after sub-section (1), the following sub-section and the Explanation thereunder shall be inserted, namely:-</p> <p>“(1A) The person shall, at the time of delivering or sending notice to the Chief Officer for completion certificate for the permission for getting building use of immovable property situated in the disturbed area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.</p> |

Guj. 12 of 1991.

Guj. 12 of 1991.

| | | | |
|---|--|--|---|
| | | | <p><i>Explanation.-</i> For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.”.</p> |
| 4 | The Gujarat Co-operative Societies Act, 1961. (Guj. X of 1962) | Amendment of section 8 of Guj. X of 1962. | <p>In the Gujarat Co-operative Societies Act, 1961, -</p> <p>(i) in section 8, after sub-section (1), the following sub-section and Explanation thereunder shall be inserted, namely:-</p> <p>“(1A) The persons seeking to register a co-operative housing society in the disturbed area shall, along with the application for registration of such society, file a self-declaration that no breach of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 shall take place due to registration of the co-operative housing society.</p> <p><i>Explanation.-</i> For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from</p> |

Guj. 12 of 1991.

Guj. 12 of
1991.

| | | | |
|--|--|---|--|
| | | <p>Amendment of section 26 of Guj. 12 of 1991.</p> | <p>premises in the Disturbed Areas Act, 1991.”;</p> <p>(ii) the existing section 26 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section and Explanation thereunder shall be inserted, namely:-</p> <p>“(2) The Chairman or, as the case may be the Secretary of the co-operative society shall, before transferring the right, title or interest in the holding in a co-operative society in the disturbed area, file a self-declaration that no breach of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 shall take place due to transfer of right, title or interest in the holding in such society.</p> <p><i>Explanation.</i>- For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.”.</p> |
|--|--|---|--|

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prohibition of Transfer of Immovable Property and Provisions for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 prohibits the transfer of immovable property in the disturbed areas of the State. During the implementation of the said Act in the State, it is experienced that in many cases properties are transferred in contravention of the provisions of the Act and unscrupulous persons come in illegal possession thereby. In order to curb such illegal transfers of immovable property, and to protect the interest of the lawful owners, it is considered necessary to amend the aforesaid Act.

In place of the existing provision in section 3 of the aforesaid Act, a new provision is sought to be substituted whereby, while enlarging the instances for declaration of any area to be a disturbed area illegal transfers of immovable property disturbing the proper clustering of the persons of one community and to have harmonious demographic equilibrium by introducing the concept of identification of proper clustering of the persons of one community on the basis of the traits of the residents of a particular geographical area having common norms, religion, values or identity and sharing a sense of place in the said area.

It is also considered necessary to have proper scrutiny of applications seeking permission to transfer immovable property in the disturbed area and for the said purpose, in place of existing two tests to be applied before granting of permission to transfer such immovable properties, viz. the free consent and fair value of property, it is proposed to enlarge the scope of inquiry being made by the Collector before granting permission under the Act with a view to checking transfer of immovable property going out of the hands of their lawful owners.

It is also considered necessary that in the appeals being filed under the Act, the persons being aggrieved by the orders of the Collector ought to be granted chance to put their stand before the appellate authority and therefore, it is proposed that such persons may be heard before passing any order on appeal. Likewise, in order to safeguard the rights of lawful owners, a new provision for revision of the order passed by the Collector by the State Government and to achieve the said purpose, a new provision is required to be inserted in the Act.

With the passage of time, the immovable properties deteriorate in conditions and there is also possibility that the lawful owners require more space in their property. For the said purpose, re-development for own use and re-development of the property with the permission of the Collector is proposed.

Also with the passage of time, as the State Government carry out different rehabilitation projects in various areas, it is also found necessary to exempt the residents in such rehabilitation projects from the provisions of the Act

To have a deterrent effect on the unscrupulous persons from taking over the immovable properties in the disturbed areas, it is also considered necessary to increase the quantum of punishment and the amount of fine. For that purpose, it is proposed that the relevant provision is required to be suitably amended for providing that in case of breach of the provisions of the Act, the accused shall be liable to imprisonment for a period which is not less than three years and upto five years and with fine of Rs. 100000/- to 10% of the value of property whichever is higher.

It is also found during the implementation of the said Act that the persons apply various modes of transfer of immovable property and therefore, on one hand the definition of the term “transfer” is required to be enlarged and the other State Acts like Gujarat Co-operative Societies Act, 1961; the Gujarat Provincial Municipal Corporations Act, 1949; the Gujarat Municipalities Act, 1963 and the Indian Registration Act, 1908 are also require suitable amendments. Necessary provisions for amending the aforesaid Acts are also proposed for that purpose.

It is also considered necessary to have a apex authority to study and advise the authorities and for that purpose, a new provision has been inserted in the said Act for constituting Monitoring and Advisory Committee consisting of Chairperson and other members as may be appointed by the State Government as also constitute a Special Investigating Team under the Act.

The Bill seeks to amend the Gujarat Prohibition of Transfer of Immovable Property and Provisions for Protection of Tenants from Eviction from Premises in disturbed Areas Act, 1991 to achieve the aforesaid objects.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:--

Clause 2.- New clause (g) proposed to be inserted in section 2 of the Act by this clause empowers the State Government to make and specify, by notification in the *Official Gazette*, the scheme for relocating the persons displaced from the lands due to Government projects like rail, road, buildings, bridges, dams, and the like.

Clause 3.- (i) Sub-section (1) of section 3 of the Act proposed to be substituted by this clause, empowers the State Government to declare, by notification in the *Official Gazette*, such area to be the disturbed area and also empowers to specify the substantial period in the circumstances as mentioned therein;

(ii) Sub-section (2) of section 3 of the Act proposed to be substituted by this clause, empowers the State Government to rescind, by notification in the *Official Gazette*, the notification issued under sub-section (1) in relation to the disturbed area.

Clause 7.- Sub-section (1) of section 6 of the Act proposed to be substituted by this clause, empowers the State Government to prescribe by rules, the manner in which, the time within which and the payment of fee alongwith which the person aggrieved by the decision of the Collector rejecting an application under sub-section (2) of section 5 of the Act may file an appeal before the State Government.

Clause 8.- Sub-section (1) of new section 6A proposed to be inserted by this clause, empowers the State Government to specify, by notification in the *Official Gazette*, the rehabilitation schemes of the State Government in the disturbed area

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 2nd July, 2019.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 2nd July, 2019.

K. M. LALA,

**Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.**



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The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules: -

THE GUJARAT LAND REVENUE (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 13 OF 2019.

A BILL

further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Land Revenue (Amendment) Act, 2019. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Substitution
of section 67A
of Bom. V of
1879.

2. In the Gujarat Land Revenue Code, 1879, for section 67A, the following section shall be substituted, namely:-

Bom. V
of 1879.

Payment of
conversion tax
by occupant for
change of use of
land in certain
areas.

“67A. where any land assessed or held for the purpose of agriculture or non-agriculture is permitted or deemed to have been permitted under section 65, 65A or 65B to be used for any other non-agricultural purpose, the occupant of such land shall be liable to pay to the State Government, a conversion tax at such rate as specified by notification in the *Official Gazette* which shall be payable by the occupant to such authority, in such manner and at such time as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

Section 67A of the Gujarat Land Revenue Code, 1879 provides for the payment of conversion tax by occupant for change of use of land in certain areas. It is experienced that if the occupant intends to use the land for an another non-agricultural purpose from an existing non-agricultural purpose, then the entire administrative process has to be followed again and difference of conversion tax is required to be paid and in that circumstances, the occupant has to face many difficulties as also much delay is caused in obtaining permission for the use of land for another non-agricultural purpose. The State Government considers it necessary to substitute existing section 67A so as to obviate difficulties faced by the occupants of land. Clause 2 of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.— Section 67A proposed to be substituted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the rate of conversion tax to be paid by the occupant for change of use

of land in certain areas; and also to prescribe by rules the Authority to which, the manner in which and the time within which the conversion tax shall be paid.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 2nd July, 2019.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 2nd July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which Was introduced on the 11th July, 2019 by Shri Purnesh Modi, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 14 OF 2019.

THE GUJARAT DEVASTHAN AREA DEVELOPMENT AUTHORITY BILL, 2019.

A BILL

to provide for the establishment of Devasthan Area Development Authority for the development of Government managed devasthan and certain areas round about it for the purpose of planning, co-ordinating and supervising the proper, orderly and rapid development of these areas in which several local authorities are at present separately dealing with such matter within their respective jurisdictions and to provide for matters connected with the aforesaid purpose.

It is hereby enacted in the Seventieth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Devasthan Area Development Authority Act, 2019.
- (2) It extends to whole of the State of Gujarat.

Short title,
extent and
commencement.

- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires, -

Definition.

- (a) “amenity” includes Bhojanalaya, lockers, eating house, temporary shelters, road, bridge, means of communication, transport, supply of water and electricity, any other source of energy, street lighting, institute of teachings, drainage, sewerage and conservancy and any other amenities as the State Government, in consultation with the Authority, may from time to time, by notification in the *Official Gazette*, specify to be an amenity for the pilgrims and local residents of the area;
- (b) “Devasthan area” means the area of Temple Trust specified in Schedule and other local area as may be notified by the State Government from time to time;
- (c) “Development” means carrying out of building, engineering, making material in any building or temple area and includes redevelopment and project or schemes for development for the welfare of pilgrims and local residents;
- (d) “Government managed devasthan” means any devasthan to which provision of Chapter VIIA of the Gujarat Public Trust Act, 1950, applies;
- (e) “rule” means a rule made under this Act;
- (f) “regulation” means a regulation made under this Act.

**Bom.29 of
1951.**

**Establishment
and
constitution of
Authority.**

- 3.** (1) The State Government shall, by notification in the *Official Gazette*, establish for the purpose of this Act, an Authority to be called “The Gujarat Devasthan Area Development Authority”.
- (2) The Authority shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose property both movable and immovable :

**Bom.29 of
1951.**

Provided that the aforesaid power with regard to property shall be subject to sanction of Charity Commissioner under the provisions of Gujarat Public Trust Act, 1950.

- (3) The Devasthan Area Development Authority shall be deemed to a local authority within the meaning of the term ‘local authority’ as defined in the Bombay General Clauses Act, 1904.

- 4.** The Devasthan Area Development Authority shall consist of the following members, namely :- **Constitution of Authority.**
- (i) Minister for devasthan, Pilgrimage development;
 - (ii) Minister for Urban Development;
 - (iii) Minister for Panchayats;
 - (iv) President of District Panchayat of the concerned Devasthan Area;
 - (v) Member of Parliament of concerned area;
 - (vi) Member of Legislative Assembly of the respective constituency where the Devasthan is situated;
 - (vii) Two women member to be nominated by the State Government;
 - (viii) Two devotees or trustees of Public Trust who are active in development activities of the trust, to be nominated by the State Government;
 - (ix) District Collector of concerned district;
 - (x) Two members to be nominated by the State Government who are experts in different development in the devasthan area, particularly having vision for development of amenities for pilgrims.
- (2) The Minister for Devasthan Pilgrimage Development shall be the Chairman of the Authority who shall exercise such power and perform such duties as are conferred on him under this Act and by regulations.
- 5.** (1) The State Government, in consultation with the Board of Trustees of the Devasthan and after prior sanction of the Charity Commissioner, may put funds at the disposal of the Authority from the surplus income of the Trust. **Funds of Authority.**
- (2) The State Government may also make provisions in the Annual Budget of the State for different development works in the Devasthan area for the welfare of pilgrims and local residents and sanctioned amount shall be put at the disposal of the Authority.
- (3) The Authority may accept donations with such terms and conditions as it may deem fit.
- 6.** (1) The Authority shall meet at least once in three month, at such place and at such time as the Chairman may decide and shall observe such rules of procedures in regard to the transaction of business, at its meeting as may be laid down by regulations. **Meetings of Authority.**

(2) A member of the Authority, who has or acquires, directly or indirectly, any share or pecuniary or other interest in any contract, loan, arrangement or proposal entered into or proposed to be entered into, by or on behalf of the Authority, shall cease to be a member of the Authority.

(3) If any question arises whether a member of the Authority has become subject to the disqualification aforesaid, the decision of the State Government shall be final.

7. The Authority shall have the following functions :-

**Functions
of
Authority.**

- (1) to prepare or review the project or scheme for the development of the Devasthan area;
- (2) execute projects and schemes;
- (3) obtains sanction and financial provision for a project or scheme from the State Government;
- (4) provide for alternative accommodation for rehabilitation of persons displaced by any project or schemes;
- (5) do all such other acts and things as may be necessary for or incidental to the development;

**Restriction of
development.**

- 8.** Notwithstanding anything contained in any law for the time being in force, no Authority or person shall undertake any development within the Devasthan area which is likely to adversely affect the overall development.

**Power to make
rules.**

- 9.** The State Government may makes rules for all or any purpose of the Act.

**Power to make
regulations.**

- 10.** The Area Development Authority may, from time to time subject to administrative approval of the State Government, make regulations for all or any of the matters to be provided under this Act for discharge of its functions.

SCHEDULE

- 1 Shree Ambaji Temple Trust, Ambaji;
- 2 Shri Bahucharaji Temple Trust, Bahucharaji;
- 3 Shri Dwarikadhish Temple Trust, Dwarka;
- 4 Other Devasthans shown under the management of State Government and entered as such in the Public Trust Register maintained by the Charity Commissioner.

STATEMENT OF OBJECTS AND REASONS

There are many holy places and center of religious faith in the State of Gujarat, management of which vests with the State Government as provided under Chapter VII-A (special provisions in relation to Government Managed Trusts) of the Gujarat Public Trust Act, 1950.

For all round development of such pilgrim centers, and also with a view to provide basic amenities to the people visiting such places and also with an object to have overall development of surrounding areas, it is considered necessary to establish a Devasthan Area Development Authority.

Hence this Bill.

Dated the 19th February 2019
Gandhinagar.

PURNESH MODI
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislation powers in the following respects :-

Clause 1.- Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 4.- Sub-clause (2) of this clause empowers the Chairman of Authority to exercise such powers and perform such duties as conferred on him under this Act and by regulations.

Clause 6.- Sub-clause (1) of this clause empowers the Authority to observe such rules of procedure in regard to the transaction of business at its meeting as may be laid down by regulations.

Dated the 19th February 2019
Gandhinagar.

PURNESH MODI
M.L.A.

FINANCIAL MEMORANDUM

For the implementation of the provisions of this Bill and for efficient functioning of the Devasthan Development Authority, financial provisions of a recurring expenditure of rupees fifty lacs is estimated from the Consolidated Fund of the State.

Moreover, it is not possible to give exact of expenditure on development activities in the Devasthan area in cases where the State Government may provide for finance.

Dated the 19th February 2019
Gandhinagar.

PURNESH MODI
M.L.A.

Gandhinagar.
Dated the 11th July, 2019

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published With the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 15 OF 2019.

A BILL

Further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Seventieth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 2019. Short title and commencement.
- (2) It Shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 74C of
Guj. X of 1962.

2. In the Gujarat Co-operative Societies Act, 1961, in section 74C, in sub-section (1), *clause (v)* shall be deleted. Guj. X of 1962.

STATEMENT OF OBJECTS AND REASONS

The elections of the members of the committees and of the officers by the committees, of all the societies as mentioned in section 74C of the Gujarat Co-operative Societies Act, 1961 are held subject to the provisions of Chapter XI-A of the said Act.

As per section 145D of the said Act, the elections of the co-operative sugar factories are held by the Collector of the respective districts and for this purpose, certain returning officers and other officers are also appointed by the Collector. With the passage of time, the work load of the Collector has been consistently increased as the Collector is an important link between the Government and the people for implementation and administration of law and in these circumstances, he is unable to complete all the procedure for elections of such co-operative sugar factories within stipulated time. Moreover, as per the provisions of section 145E of the said Act, the expenses of the holding of such election, including the payment of travelling allowances, daily allowances and other remuneration, if any, to the persons appointed to exercise the powers and perform the duties in respect of the election, are to be borne by the co-operative sugar factories which may adversely affected to the members of such societies.

It is, therefore, considered necessary to bring, all the co-operative sugar factories, outside the purview of the provisions of section 74C. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act of 1961 to achieve the aforesaid objects.

ISHWARSINH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 18th July, 2019.

ISHWARSINH PATEL.

By order and in the name of the Government of Gujarat.

Gandhinagar,

Dated the 18th July, 2019.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published With the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PRIVATE UNIVERSITIES (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 16 OF 2019.

A BILL

Further to amend the Gujarat Private Universities Act, 2009.

WHEREAS the Shreyarth Foundation, Ahmedabad, Charutar Arogya Mandal, Karamsad, ASIA Charitable Trust, Ahmedabad, Bhagwan Mahavir Education Foundation, Surat, Silver Oak Education And Research Society, Ahmedabad, Lok Jagruti Kendra Trust, Ahmedabad, have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

Guj. 8 of
2009.

AND WHEREAS the said applications have been scrutinised by the Scrutiny Committee and on report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring bodies have complied with the conditions of Letter of Intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institutions specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring bodies as specified in column 4 of the said Schedule.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 28, the following entries shall be inserted, namely:-

Guj. 8 of 2009.

| Sr. No. | Name and Address of the Private University | Details of Registration and Registration Number | Sponsoring Body |
|---------|--|---|--|
| 1. | 2. | 3. | 4. |
| “29. | Shreyarth University, Jorajina Muvada, Ta:-Talod, Dist:- Sabarkantha. | Registration under the Companies Act, 2013. Registration No: U85190GJ2017NPL097859 Date:-13/06/2017. | Shreyarth Foundation, C/o Gujarat Samachar Bhavan, Khanpur, Ahmedabad- 380001. |
| 30. | Bhaikaka University, Karamsad, Dist-Anand | F/129 kheda under the Gujarat Public Trusts Act, 1950. Guj/225/Kheda Under the Societies Registration Act, 1860 | Charutar Arogya Mandal, H M Patel center for Medical Care and Education, Gokal nagar, Karamsad- 388325 |

| Sr. No. | Name and Address of the Private University | Details of Registration and Registration Number | Sponsoring Body |
|---------|---|--|--|
| 1. | 2. | 3. | 4. |
| 31. | JG University, Uvarsad, Dist:-Gandhinagar | Registration under the Gujarat Public Trusts Act, 1950. E/1399 Date:- 04/04/1966 | ASIA Charitable Trust, ASIA Campus, Drive-In-Road, Ahmedabad-380054 |
| 32. | Bhagwan Mahavir University, Surat | E/5108/Surat under the Bombay Public Trusts Act, 1950. Date:-24/01/2002 | Bhagwan Mahavir Education Foundation, Survey No.149, VIP Road, Bharthana- Vesu Road, Surat-395007. |
| 33. | Silver Oak University, S.G.Highway, Gota, Ahmedabad-382481 | E/18287/Ahmedabad under the Gujarat Public Trusts Act, 1950. Date:-18/12/2007 | Silver Oak Education and Research Society, Nr. Bhavik Publications, Opp. Bhagwat Vidyapith, S.G.Highway, Gota, Ahmedabad-382481. |
| 34. | Lok Jagruti Kendra University, FP No.74, 100+113 TPS No. 86 (Sarkhej-okaf-Fatewadi, Makrba), Dist:-Ahmedabad | F/732/Ahmedabad under the Gujarat Public Trusts Act, 1950 Date:-29/04/1980 | Lok Jagruti Kendra, L.J. Campus, Vastrapur, Ahmedabad-380015.”. |

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of Private Universities in the State so as to provide for qualitative and industry related higher education and to regulate their functions in accordance with the provisions of the Act. A private University declared as such under the said Act is required to administer the affairs of the University as per the provisions of the said Act and the Governing Body, the Board of Management, the Academic Council and such other authorities are required to perform their duties and discharge their functions as provided in the said Act and the constitution of such bodies shall be as provided in the said Act.

The State Government has received the proposals from Shreyarth Foundation, Ahmedabad, Charutar Arogya Mandal, Karamsad, ASIA Charitable Trust, Ahmedabad, Bhagwan Mahavir Education Foundation, Surat, Silver Oak Education And Research Society, Ahmedabad and Lok

Jagruti Kendra Trust, Ahmedabad for establishment of Shreyarth University, Bhaikaka University, JG University, Bhagawan Mahavir University, Silver Oak University and Lok Jagruti Kendra University, respectively as the Private Universities. Section 10 of the said Act provides that if the State Government is satisfied that the Sponsoring Body has complied with the conditions of Letter of Intent, then, the State Government is required to bring appropriate legislation for inclusion of the name of the University in the Schedule to the said Act. The said proposals have been considered by the Scrutiny Committee appointed under section 8 of the said Act and the Committee has submitted its report to the State Government and on the basis of such report, the State Government has, having been satisfied, issued a Letter of Intent as provided under section 9 of the Act and since the sponsoring bodies have complied with the conditions of the Letter of Intent, it is considered necessary to include the names of the Universities in the Schedule to the Act as envisaged under section 10 of the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid object.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 18th July, 2019.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 18th July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published With the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE INDIAN INSTITUTE OF TEACHER EDUCATION, GUJARAT (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 17 OF 2019.

A BILL

Further to amend the Indian Institute of Teacher Education, Gujarat Act, 2010.

It is hereby enacted in the Seventieth Year of the Republic of India as follows :-

1. (1) This Act may be called the Indian Institute of Teacher Education, Gujarat (Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and
commencement.**

**Amendment of
section 2 of
Guj. 8 of 2010.**

2. In the Indian Institute of Teacher Education, Gujarat Act, 2010 (hereinafter referred to as “the principal Act”), in section 2,-

**Guj. 8 of
2010.**

(i) after clause (a), the following clause shall be inserted, namely:-

“(aa) “affiliation” means a status by the affiliating University to the college or University or other educational institute imparting education admitted to the privileges of the University;”;

(ii) after clause (c), the following clause shall be inserted, namely:-

“(cc) “DIET” means District Institute of Education and Training established and maintained by the State Government.”.

**Amendment of
section 6 of Guj. 8
of 2010.**

3. In the principal Act, in section 6, -

(i) in clause (34), the word “and” occurring at the end shall be deleted;

(ii) after clause (34), the following clause shall be inserted, namely:-

“(34-a) to grant affiliation or recognition or approval as the case may be to the District Institute of Education and Training (DIET) on recommendation of the Academic Council and approval of the Executive Committee as per the University Grants Commission norms in this regard:

Provided that the State Government may add any other college/institute as required.”.

**Amendment of
section 21 of Guj.
8 of 2010.**

4. In the principal Act, in section 21, after clause (k), the following clause shall be inserted, namely:-

“(k-a) to approve affiliation and/or recognition as the case may be;”.

**Amendment of
section 23 of Guj.
8 of 2010.**

5. In the principal Act, in section 23, after clause (3), the following clause shall be inserted, namely:-

“(3-a) to recommend affiliation or recognition or approval, as the case may be, to the applicant college, on the compliance of the procedure and fulfilment of the conditions laid down by the University under the relevant statute or ordinances in pursuance to clause (34-a) of section 6;”.

STATEMENT OF OBJECTS AND REASONS

The Indian Institute of Teacher Education is established under section 3 of the Indian Institute of Teacher Education, Gujarat Act, 2010 as a premier institute to impart B.Ed. and M.Ed. education in the State.

The District Institute of Education and Training of the State, functions under the Education Department at district level which provides training to the Teachers and also runs B.Ed/M.Ed programme for graduate students. The State Government considers it necessary to strengthen the said District Institute of Education and Training, by making provision in the said act to grant affiliation by the Indian Institute of Teacher Education, Gandhinagar so that the students of District Institute of Education and Training may be enriched in knowledge and may be equipped and acquainted with the latest educational needs and get degree from the University.

This Bill seeks to amend the said Act to achieve the aforesaid object.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 18th July, 2019.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 18th July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

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The following Bill is published With the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LAND REVENUE (SECOND AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 18 OF 2019.

A BILL

Further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Seventieth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Land Revenue (Second Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and
commencement.**

**Amendment
of section
135D of Bom.
V of 1879.**

2. In the Gujarat Land Revenue Code, 1879, in section 135D, for sub-section (5), the following sub-section shall be substituted, namely:-

**Bom. V of
1879.**

“(5) Where no objection is raised, either manually or electronically, by any person having interest in any transaction made by the designated officer as referred to in sub-section (2), the mutation entry shall be certified, within such time, for such transaction and on such terms and conditions as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Land Revenue Code, 1879 was enacted to consolidate and amend the law relating to Land Revenue. Sub-section (5) of section 135D of the said Act provides for the mutation entry to be certified electronically through an automated process or manually in cases where no objection is raised by any person having interest in the transaction, either manually or electronically within a period of thirty days.

The State Government has adopted various online systems having facility of auto-generated Email, SMS, etc. for register of mutations and register of disputed cases. Such modes of communication ought to be considered alongwith the existing communication systems while making entry in the register of mutations and register of disputed cases. The State Government has also empowered the appealing authorities through e-dhara system, to make mutation entries for the orders pronounced by them. In such circumstances, the period of thirty days as specified in the said sub-section (5) is required to be reconsidered so as to make the process for certifying the mutation entry more quickly. Sub-section (5) of section 135D of the said Act is proposed to be substituted accordingly. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.— Sub-section (5) of section 135D proposed to be substituted by this clause empowers the State Government to prescribe by rules, the time within which, the transaction for which, the terms on which and the conditions subject to which, the mutation entry shall be certified electronically through an automated process or manually in cases where no objection is raised by any person having interest in any transaction, either manually or electronically.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 18th July, 2019.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 18th July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published With the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT TENANCY AND AGRICULTURAL LANDS LAWS (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 19 OF 2019.

A BILL

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Seventieth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019.

Short title and
Commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section
63AA of
Bom. LXVII
of 1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands Act), in section 63AA,-

Bom. LXVII
of 1948.

(1) in sub-section (3), in clause (b), for the words “such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct”, the words “after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct” shall be substituted;

(2) in sub-section (4), in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government from time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of

approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of,

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

“Explanation. – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
63AC of
Bom. LXVII
of 1948.

3. In the Gujarat Tenancy and Agricultural Lands Act, in section 63AC, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

Guj. of 2019.

Amendment
of section
54B of Sau.
Ord. XLI of
1949.

4. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”), in section 54B, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and

Sau. Ord. XLI
of 1949.

ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

Guj. of 2019. “such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non-agricultural purpose.”.

5. In the Saurashtra Ordinance, in section 55, -

(1) in sub-section (2), -

Amendment
of section 55
of Sau. Ord.
XLI of 1949.

(a) after clause (a), the following clause shall be inserted,
namely:-

“(aa) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agricultural assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.”;

(b) in clause (b), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(2) in sub-section (3B),-

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for clause (vi), by the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of,-

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-

section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (3B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

(3) the following Explanation shall be added at the end, namely:-

“**Explanation.** – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Bom. XCIX
of 1958.

6. In Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A, -

(1) in sub-section (3), in clause (b), for the words “such fine not exceeding two thousand rupees as the Collector may, subject to rules made under this Act, direct”, the words “after one month from the date of such purchase, such

Amendment
of section
89A of Bom.
XCIX of
1958.

fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct” shall be substituted;

(2) in sub-section (4), for the existing third proviso, the following proviso shall be substituted, namely:-

“Provided also that such aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.”;

(3) in sub-section (4B), -

(a) after clause (ii), the following clauses shall be inserted, namely:-

“(ii-a) the purchaser shall commence production of goods or providing of services on the land purchased by him within such period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks as the State Government may, by notification in the *Official Gazette*, specify;

(ii-b) after successfully commissioning of production of goods or providing of services to the satisfaction of the Collector, for a period of three years from the date of approval for putting land to *bonafide* industrial use or establishing industrial park, the restrictions of this section shall not apply.”;

(b) for the existing clause (vi), the following clause shall be substituted, namely:-

“(vi) the purchaser shall not be entitled to sale or transfer the land for the first three years from the date of grant of approval for establishing industrial park and in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the condition and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land for other *bonafide* industrial purpose and the Collector shall there upon grant such permission to sale only upon payment of,

-

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3) or, as the case may be, the certificate as referred to in clause (ii-a) of sub-section (4B);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.”;

(4) the following Explanation shall be added at the end, namely:-

“Explanation. – For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”.

Amendment
of section
89C of Bom.
XCIX of
1958.

7. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 89C, in sub-section (1), for the portion beginning with the words “such institution shall be entitled to make an application” and ending with the words “to the Collector for conversion of such land into non-agricultural purpose”, the following portion shall be substituted, namely:-

“such institution working in the field of religious, health, education and social sector shall be entitled to make an application within one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non -agricultural purpose.”.

Guj. of 2019.

STATEMENT OF OBJECTS AND REASONS

At present there are three different tenancy laws in operation in the State. In the Bombay area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands Act, 1948, is in force, in the Kutch area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, is in force, whereas in the Saurashtra area of the State of Gujarat, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 is in force.

The State Government considers it necessary that the purchaser shall commence production of goods or providing of services on the land purchased by him within the specified period with effect from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks. It is also proposed that such provision shall not apply in cases where the production of goods or providing services commenced within three years from the date of certificate issued by Collector. Necessary amendment is proposed in all the three aforesaid Acts. Sub-clause (3) of clause 2, sub-clause (2) of clause 5 and sub-clause (3) of clause 6 provide for the same.

The provisions for establishment of industrial park are also proposed to be amended particularly with regard to the conditions to be fulfilled by the purchaser, transfer or sale of such land or portion of such land. Necessary amendment is proposed in all the three aforesaid Acts. Sub-clause (3) of clause 2, sub-clause (2)(b) of clause 5 and sub-clause (3) of clause 6 of the Bill provides for the same.

The provisions for sale of land for bonafide industrial purpose permitted in certain cases are also proposed to be amended so as to extend the aggregate period of seven years may, on application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years. Necessary amendment is

proposed in all the three aforesaid Acts. Sub-clause (2) of clause 2, sub-clause (1) (b) of clause 5 and sub-clause (2) of clause 6 provide for the same.

It is also proposed that where the land is sold for bonafide industrial purpose and if the purchaser fails to send the notice and other particulars to the Collector within a period of thirty days, he shall be liable to pay in addition to the non-agricultural assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct. Necessary amendment is proposed in all the three aforesaid Acts. Sub-clause (1) of clause 2, sub-clause (1) (a) of clause 5 and sub-clause (1) of clause 6 provide for the same.

The provisions relating to the conversion of land for non-agricultural purpose if the land in question is purchased on or before the 30th June, 2015, by such institutions as specified therein so as to entitle such institutions including an institution working in the field of religious, education, health and social sector registered for charitable purpose to make an application within the time limit of one year from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2019, to the Collector for conversion of such land into non -agricultural purpose. Necessary amendment is proposed in all the three aforesaid Acts. Clause 3, clause 4 and clause 7 provide for the same.

This Bill seeks to amend the said three Tenancy Acts to achieve the aforesaid objects.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 1- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which this Act shall come into force.

Clause 2- New clause (ii-a) in sub-section (4B) of section 63AA of the Gujarat Tenancy and Agricultural Land Act, 1948, proposed to be inserted by sub-clause (3) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the period within which the purchaser shall commence production of goods or providing of services on the land purchased by him from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks.

Clause 5- New clause (ii-a) in sub-section (3B) of section 55 of the Saurashtra Gharkhed, Tenancy Settle and Agricultural Lands Ordinance, 1949, proposed to be inserted by sub-clause (2) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the period within which the purchaser shall commence production of goods or providing of services on the land purchased by him from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks.

Clause 6- New clause (ii-a) in sub-section (4B) of section 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1948, proposed to be inserted by sub-clause (3) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the period within which the purchaser shall commence

production of goods or providing of services on the land purchased by him from the date of grant of issue of certificate by the Industries Commissioner, Gujarat State or the Collector, whichever is later, for establishing industrial park under the policy of the State Government for Industrial Parks.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 18th July, 2019.

KAUSHIK PATEL.

By order and in the name of the Government of Gujarat.

Gandhinagar,
Dated the 18th July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules.

THE GUJARAT LEGISLATIVE ASSEMBLY MEMBERS' SALARIES AND ALLOWANCES (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 20 OF 2019.

A BILL

*further to amend the Gujarat Legislative Assembly Members' Salaries and
Allowances Act, 1960.*

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 2019.

**Short title and
commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Substitution of
section 5 of
Guj. II of 1960.

2. In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (hereinafter referred to as "the principal Act"), for section 5, the following section shall be substituted, namely:-

Travelling
allowance to
Members.

"5. (1) There shall be paid to each Member a travelling allowance for a journey undertaken for the purpose of attending the session of the Assembly to the place where such session is held and for the return journey from such place.

(2) In case where such journey is undertaken-

- (i) by railway, the Member shall be entitled to the actual fare paid by him but not exceeding the actual fare for journey by second class air-conditioned and allowance at such rate as may be prescribed;
- (ii) by road, the Member shall be entitled to allowance at such rate per kilometre as may be prescribed:

Provided that nothing in sub-section (2) shall entitle a Member to travelling allowance, if such Member ordinarily resides or carries on business at the place where such session is held."

Substitution of
section 5A of
Guj. II of 1960.

3. In the principal Act, for section 5A the following section shall be substituted, namely:-

Allowance to the
Chairman and the
Members of the
Committee.

"5A. (1) There shall be paid to the Chairman and each Member of a Committee for a journey undertaken for the purpose of attending a meeting of the Committee to the place where such business is transacted and for the return journey from such place the daily allowance and travelling allowance, respectively at the rate as provided in section 4 and in the manner as provided in sub-section (2) of section 5:

Provided that nothing in sub-section (1) shall entitle a Member to travelling allowance, if such Member

ordinarily resides or carries on business at the place where such meeting is held or such business is transacted.

- (2) (i) The Chairman and the Members of the Committee shall also be entitled to the journey by air in economy class for the purpose of attending a meeting of a Committee to the place which is outside the State of Gujarat where such business is to be transacted and for the return journey from such place.
- (ii) The Chairman and the Members of Committee shall be paid the actual fare for such air journey by way of travelling allowance in the manner as may be prescribed and the daily allowance as provided in sub-section (1).
- (3) In case where the Chairman of a Committee undertakes the journey by railway, road or by air for the purpose of transaction of any business connected with his duties as Chairman of a committee to the place where such business is transacted, the provisions as regards entitlement of journey by air and payment of allowance contained in sections 4, 5 and 5A shall *mutatis mutandis* apply.”.

- 4. In the principal Act, in section 6, sub-section (2) shall be deleted.

**Amendment of
section 6 of
Guj. II of 1960.**

STATEMENT OF OBJECTS AND REASONS

The Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 is in force in the State of Gujarat to provide for the salaries and allowances of members of the Gujarat Legislature. The said Act also envisages the different facilities to the Members as also to the Chairman and the Members of the Committees of the Assembly. However, when the Chairman of the Committee is required to undertake the journey outside the State of Gujarat for the purpose of transaction of any business connected with his duties as Chairman of such Committee or when the Chairman and the Members of any Committee are required to undertake the journey for the purpose of attending the meeting of the Committee to the place which is outside the State of Gujarat where such business is to be transacted, they are required to undertake the journey only by railway in view of the existing provisions of the said Act as the Act does not permit the Chairman and the Members to travel by air. When the destination of the meeting is quite at a long distance, the Chairman and the Members have to travel for a very long time as a result of which the journey becomes too uncomfortable as sometimes it takes many a days for undertaking the journey to and fro in any part outside the State of Gujarat.

In this connection, the Chairmen and the Members of the different Committees of the Assembly have requested the State Government to allow them to undertake the journey by air in case where the place of the meeting is outside the State of Gujarat for the reasons stated herein above. The State Government has considered the said request and has found the merits in the demand as the State Government is of the view that permission of the journey by air would not only save a lot of time of the Chairman and the Members of the different Committees but it shall also enable them comfortable journey and it is not going to burden the State Exchequer heavily as at present the Chairman and the Members of such Committees are allowed to travel by railway first class or second class airconditioned and there is not much difference between the fare of journey by air in the economy class and journey by railway in first class or second class air-conditioned.

In view of this, it is considered necessary to amend the relevant provisions of the said Act. The Bill seeks to amend the said Act to achieve the aforesaid objects.

PRADEEPSINH JADEJA,

FINANACIAL MEMORANDUM

The provisions of the Bill, if enacted and brought into operation, would involve an additional annual expenditure of approximately Rs. 2,00,00,000/- on account of air journey by the Chairman and the Members of the Committees of the Gujarat Legislative Assembly payable from the Consolidated Fund of State, which would be of recurring in nature.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respect:-

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.— Sub-section (2) of section 5 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the rate of travelling allowance to be paid to the Member of the Legislative Assembly

for a journey undertaken, either by railway or by road, for the purpose of attending the session of Assembly.

Clause 3.— Clause (ii) of sub-section (2) of section 5A proposed to be substituted by this clause empowers the State Government to prescribe by rules, the manner in which the travelling allowance shall be paid to the Chairman and Members of the Committee for a journey undertaken, by air in economy class, for the purpose of attending the a meeting of the Committee.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 19th July, 2019.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 19th July, 2019.

K. M. Lala,
Secretary to the Government of Gujarat;
Legislative and Parilamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LOCAL AUTHORITIES AND TOWN PLANNING LAWS (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 21 OF 2019.

A BILL

further to amend the Gujarat Metropolitan Planning Committees Act, 2008, the Gujarat District Planning Committees Act, 2008 and the Gujarat Town Planning and Urban Development Act, 1976 to make effective provisions for the planning in the areas under the jurisdiction of Metropolitan Planning Committee and the District Planning Committee in different areas in the State of Gujarat and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make effective provisions to achieve planned development with respect to economic development and social justice, and for the implementation of development schemes in different areas in the State of Gujarat;

It is hereby enacted in the Seventieth Year of the Republic of India as follows: -

| | | |
|---|--|---|
| Short title and commencement. | <p>1. (1) This Act may be called the Gujarat Local Authorities and own Planning Laws (Amendment) Act, 2019.</p> <p>(2) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i>, appoint.</p> | |
| Amendment of section 9 of President's Act, No. 27 of 1976. | <p>2. In the Gujarat Town Planning and Urban Development Act 1976, (hereinafter referred to as "the President's Act"), in section 9, to sub-section (1), the following proviso shall be inserted, namely: -</p> <p style="padding-left: 40px;">"Provided that, the development plan shall include the proposals, with regard to spatial planning, of the development plan sanctioned under the Gujarat Metropolitan Planning Committees Act, 2008 or the Gujarat District Planning Committees Act, 2008, as the case may be."</p> | <p>President's Act No. 27 of 1976.</p> <p>Guj. 18 of 2008.</p> <p>Guj. 11 of 2008.</p> |
| Amendment of section 12 of President's Act, No. 27 of 1976. | <p>3. In the President's Act, in section 12, in sub-section (1), the words and figures "which would be in conformity with the development plan under the provisions of the Gujarat Metropolitan Planning Committees Act, 2008" shall be deleted.</p> | <p>Guj. 18 of 2008.</p> |
| Insertion of new section 19A in President's Act, No.27 of 1976. | <p>4. In the President's Act, after section 19, the following section shall be inserted, namely: -</p> | |
| Inclusion of proposal regarding spatial planning in the development plan. | <p>"19A. After the date specified in sub-section (2) of section 10A of the Gujarat District Planning Committees Act, 2008 or sub-section (2) of section 10A of the Gujarat Metropolitan Planning Committees Act, 2008, as the case may be, the appropriate authority shall include in the development plan to be under this Act, the proposals with regard to spatial planning, of the development plan to which sanction is accorded under clause (a) of sub-section (1) of section 10A of the Gujarat District Planning Committees Act, 2008 or clause (a) of sub-section (1) of section 10A of the Gujarat Metropolitan Planning Committees Act, 2008, as the case may be, by varying the development plan under section 19, as the appropriate authority may consider proper."</p> | <p>Guj. 11 of 2008.</p> <p>Guj. 18 of 2008.</p> <p>Guj. 11 of 2008.</p> <p>Guj. 18 of 2008.</p> |

- Guj. 11 of 2008.** **5.** In the Gujarat District Planning Committees Act, 2008 (hereinafter referred to as “the DPC Act”), in section 1, in sub-section (2), for the words and figures “the Bombay Provincial Municipal Corporations Act, 1949”, the words and figures “the Gujarat Metropolitan Planning Committees Act, 2008” shall be substituted.
- Bom. LIX of 1949.**
- Guj. 18 of 2008.**
- Amendment of section 1 of Guj. 11 of 2008.**
- 6.** In the DPC Act, in section 2, before clause (a), the following clause shall be inserted, namely: -
- Amendment of section 2 of Guj. 11 of 2008.**
- “(a-1) “appropriate authority” means an authority as defined under clause (iii) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;”.
- President’s Act No. 27 of 1976.**
- 7.** In the DPC Act, after section 10, the following sections shall be inserted, namely, -
- Insertion of new sections 10A to 10C in Guj. 11 of 2008.**
- Inclusion of proposals in development plan.** **“10A.** (1) The State Government may, on receipt of the draft development plan submitted by the District Planning Committee or the authorized officer, as the case may be, by notification in the *Official Gazette*, either -
- (a) sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper; or
- (b) return the draft development plan to the district planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct.
- (2) The sanction accorded under clause (a), shall be called the final development plan which shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify.
- (3) A final development plan which has come into force shall be binding on the concerned all authorities functioning in the district.
- Variation of final development plan.** **10B.** (1) If on a proposal received from a District Planning Committee in that behalf or otherwise, the State Government is of opinion that it is necessary in the public interest to make any variation in the final development plan (hereinafter referred to as “the variation”), it shall publish in the *Official Gazette*, the variation proposed in the final development plan, alongwith a notice, inviting objections

or suggestions from any person with respect to the variation within a period of two months from the date of publication of the variation.

- (2) After considering the objections or suggestions, if any, received under sub-section (1) within the period specified therein and after consulting the district planning committee in a case where the variation is not proposed by that district planning committee, the State Government may, by notification in the *Official Gazette*, sanction the variation with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification.
- (3) From the date of coming into force of the variation, the provisions of this Act shall apply to such variation, as they apply to a final development plan.

**Directions by State
Government.**

10C. (1) Every District Planning Committee shall carry out such directions or control by instructions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any District Planning Committee under this Act any dispute arises between the District Planning Committee and the State Government or any other authority, the decision of the State Government on such disputes shall be final.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may appoint any officer, who shall, -

(a) assist the District Planning Committee in the preparation of the development plan under the Act;

(b) maintain the records of the committee, prepare the records of the discussions and communication of decisions and all other incidental, ancillary matters.”.

**Amendment of
section 2 of Guj.
18 of 2008.**

8. In the Gujarat Metropolitan Planning Committees Act, 2008 (hereinafter referred to as “the MPC Act”), in section 2, before clause (a), the following clause shall be inserted, namely:-

Guj. 18 of 2008.

President's Act No. 27 of 1976. “(a-1) “appropriate authority” means an authority defined under clause (iii) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;”.

9. In the MPC Act, after section 10, the following sections shall be inserted, namely, -

Insertion of new sections 10A to 10C in Guj. 18 of 2008.

Inclusion of proposals in development plan. **“10A.** (1) The State Government may, on receipt of the draft development plan submitted by the Metropolitan Planning Committee, by notification in the *Official Gazette*, either -

(a) sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper; or

(b) return the draft development plan to the metropolitan planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct.

(2) The sanction accorded under clause (a) of sub section (1), shall be called the final development plan which shall come into force on such date as the State Government may, by notification.in the *Official Gazette*, specify.

(3) A final development plan which has come into force shall be binding on the concerned all authorities functioning in the metropolitan area.

Variation of final development plan.

10B. (1). If on a proposal received from a Metropolitan Planning Committee in that behalf or otherwise, the State Government is of opinion that, it is necessary in the public interest to make any variation in the final development plan (hereinafter referred to as “the variation”), it shall publish in the *Official Gazette*, the variation proposed in the final development plan, along with a notice, inviting objections or suggestions from any person with respect to the variation within a period of two months from the date of publication of the variation.

(2) After considering the objections or suggestions, if any, received under sub-section (1) within the period specified therein and after consulting the metropolitan planning committee in a case where the variation is not proposed by that district planning committee,

the State Government may, by notification in the *Official Gazette*, sanction the variation with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification.

- (3) From the date of coming into force of the variation, the provisions of this Act shall apply to such variation, as they apply to a final development plan.

**Direction by State
Government.**

10C. (1) Every Metropolitan Planning Committee shall carry out such directions or control by instructions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any Metropolitan Planning Committee under this Act any dispute arises between the Metropolitan Planning Committee and the State Government or any other authority, the decision of the State Government on such disputes shall be final.

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, the state government may appoint any officer, who shall, -

- (a) assist the metropolitan planning committee in the preparation of the development plan under the Act;
- (b) maintain the records of the committee, prepare the records, of the discussions and communication of decisions and all other incidental, ancillary matters.

STATEMENT OF OBJECTS AND REASONS

Two legislations viz. “The Gujarat District Planning Committees Act, 2008 (herein referred as DPC Act)” and “The Gujarat Metropolitan Planning Committees Act, 2008” (herein referred as MPC Act) are in force in the State of Gujarat.

Section 10 of both the aforesaid Acts provide for functions, whereby the concerned committees, for their jurisdiction, are required to prepare the draft development plan. Also, the appropriate authorities under the Gujarat Town Planning and Urban Development Act 1976 (herein referred as TP Act) are required to prepare the draft development plan.

These draft development plans, prepared under MPC & DPC Acts have to be prepared having regard to plans prepared by the Municipalities and Panchayats in addition to other matters specified under section 10 of MPC & DPC Acts.

The MPC & DPC Acts, not having appropriate provisions with regard to the manner in which the development plans, therein, have to be prepared, sanctions and enacted has led to confusions that it is similar to the one prepared under the TP Act. Further, on this pretext, it is giving rise to understand that the development plans prepared under different acts are not in sync.

Under the 74th Constitutional Amendment, the municipalities and panchayats are required to make plans with regard to economic development and social justice. MPC & DPC Acts, specifies to prepare the development plan which have to be made in regard to the plans prepared by the municipalities and panchayats. These Acts also determines for spatial planning, infrastructure, water and natural resources.

The Gujarat Town Planning and Urban Development Act 1976 emphasizes on land management, infrastructure to create better environmental conditions for living.

Although all three TP Act, MPC Act & DPC Act mandates to prepare the development plans, but the objectives differ like the first one is for land & infrastructure management, whereas the later two refers for economic development and social justice. It is quite certain that some proposals of the development plans prepared under the MPC & DPC Act may influence the management of land. So to that extent it may be necessary that the development plans prepared under the TP Act would have to be made in sync.

Considering the above facts to remove confusion, it is expedient to make specific provision which spells out, manner of preparing, sanctioning and implementing the development plan to be

prepared under MPC & DPC Act and furthermore, to make necessary provision in the Gujarat Town Planning Act, 1976 to include, to the extent required the proposals of development plan prepared under article MPC & DPC Acts.

This Bill seeks to amend all the three Acts to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 1- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which this Act shall come into force.

Clause 7- (i) Sub-section (1) of new section 10A in the Gujarat District Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, either sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper or return the draft development plan to the district planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct, on receipt of the draft development plan submitted by the District Planning Committee or the authorized officer;

(ii) sub-section (2) of new section 10A in the Gujarat District Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the date on which the final development plan shall come into force.

(iii) sub-section (2) of new section 10B in the Gujarat District Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to sanction, by notification in the *Official Gazette*, the variation referred to in sub-section (1) of said section 10B, with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be

specified in the notification after considering the objections or suggestions, if any, received.

- Clause 9-** (i) Sub-section (1) of new section 10A in the Gujarat Metropolitan Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, either sanction or refuse to sanction the draft development plan so received for the whole of the area covered by the plan or separately for any part thereof, either without modification, or subject to such modification, as it may consider proper or return the draft development plan to the district planning committee or the authorized officer, as the case may be, for modifying the plan as it may direct, on receipt of the draft development plan submitted by the District Planning Committee or the authorized officer;
- (ii) sub-section (2) of new section 10A in the Gujarat Metropolitan Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the date on which the final development plan shall come into force.
- (iii) sub-section (2) of new section 10B in the Gujarat Metropolitan Planning Committees Act, 2008 proposed to be inserted by this clause empowers the State Government to sanction, by notification in the *Official Gazette*, the variation referred to in sub-section (1) of said section 10B, with or without modifications, as it may consider fit to do and such variation shall come into force on such date as may be specified in the notification after considering the objections or suggestions, if any, received.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 20th July, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 20th July, 2019.

K. M. LALA,

**Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.**



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL UNIVERSITIES

(AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 22 OF 2019.

A BILL

further to amend the Gujarat Agricultural Universities Act, 2004.

It is hereby enacted in the Seventieth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Agricultural Universities
(Amendment) Act, 2019.

**Short title and
commencement.**

(2) It shall come into force on such date as the State Government may, by
notification in the *Official Gazette*, appoint.

**Amendment
of section 4
of Guj. 5 of
2004.**

2. In the Gujarat Agricultural Universities Act, 2004, (hereinafter referred to as “the principal Act”), in section 4, for sub-section (4), the following sub-section shall be substituted, namely:- **Guj. 5 of 2004.**

“(4) No educational institute/ college / University established by law imparting education in agriculture and allied sciences or conducting and guiding research in agriculture or conducting and guiding programmes of extension education shall be started or shall be associated in any way with, or seek admission to any of the privileges of, any other University established by law without the sanction of the State Government in the Agriculture, Farmers Welfare and Co-operation Department.”.

**Amendment
of section 10
of Guj. 5 of
2004.**

3. In the principal Act, in section 10, -

(1) in sub-section (1), for clause (b), the following clause shall be substituted, namely:-

“(b) a person, who possesses adequate knowledge in the subjects of agriculture and allied sciences including agriculture economics and has not attained the age of sixty-five years on the date of appointment shall, subject to the provision of sub-section (7), be eligible for being appointed as a Vice-Chancellor.”;

(2) in sub-section (2), for clause (a), the following clause shall be substituted, namely:-

“(a) For the purposes of sub-section (1), the State Government shall appoint a Committee which shall consist of the following members, namely:-

- (i) three members from the field of Agriculture and allied sciences, to be nominated by the State Government;
- (ii) one member, to be nominated by the Indian council of Agricultural Research.”;

(3) in sub-section (5), the words “and shall not be varied to his disadvantage during his tenure of office without his consent” shall be deleted.

4. In the principal Act, in section 11, in sub-section (9),-

(1) in clause (c), for the words “the Chancellor for his decision”, the words “the State Government for its decision” shall be substituted;

**Amendment
of section 11
of Guj. 5 of
2004.**

(2) (i) in clause (d), for the word “Chancellor”, the words “State Government” shall be substituted;

(ii) in the proviso to clause (d), for the words “the Chancellor”, the words “the State Government” shall be substituted;

(3) in clause (e), for the words “the Chancellor”, the words “the State Government” shall be substituted.

5. In the principal Act, in section 18, in sub-section (1),-

(1) under the heading “Class I-*Ex-officio members*”, for clause (viii), the following clause shall be substituted, namely:-

**Amendment
of section 18
of Guj. 5 of
2004.**

“(viii) the Director ATMA and Sameti, Gujarat State.”;

(2) under the heading “Class II---*Ordinary members*”, in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:-

“(ii) two members having background of agricultural and allied sciences.”.

6. In the principal Act, in section 29,-

(1) for sub-section (4), the following sub-section shall be substituted, namely:-

**Amendment
of section 29
of Guj. 5 of
2004.**

“(4) Every Statute passed by the Board shall be submitted to the State Government for its approval and the State Government

may approve or withheld or refer it back to the Board for consideration or may reject it.”;

(2) in sub-section (5), for the word “Chancellor”, the words “State Government” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present, four Agricultural Universities have been established by the Gujarat Agricultural Universities Act, 2004 in the State. It is felt necessary to strengthen activities of the State Government as well as Agricultural Universities for the betterment of the Agricultural Education and Research in the State.

The State Government considers it necessary to amend the provisions relating to the territorial jurisdiction of the University, appointment of Committee for recommendation of the name for appointment of Vice-Chancellor as also to amend the terms and conditions for the appointment of the Vice-chancellor. The powers of Vice-chancellor also requires to be modified so as to modify the provision relating to the constitution of the Board of Management. Certain other consequential amendments are also proposed.

This Bill seeks to amend the said Act of 2004 to achieve the aforesaid objects.

RANCHHODBHAI FALDU,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 22nd July, 2019.

RANCHHODBHAI FALDU,

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 22nd July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*.
The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A
of the Gujarat Legislative Assembly Rules:-

THE GUJARAT IRRIGATION AND DRAINAGE (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 23 OF 2019.

A BILL

further to amend the Gujarat Irrigation and Drainage Act, 2013.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Irrigation and Drainage (Amendment) Act, 2019. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Substitution of section 37 of Guj. 6 of 2013. **2.** In the Gujarat Irrigation and Drainage Act, 2013 (hereinafter referred to as **Guj. 6 of 2013.** “the principal Act”), for section 37, the following section shall be substituted, namely:-

Penalty for damaging canal etc.

“37. (1) Whoever voluntarily or without proper authority,-

(i) passes or causes animals in canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(ii) causes or knowingly and willfully permits cattle to graze or tethers upon any canal or dam or causes knowingly and willfully permits cattle to tether upon any such canal or dam, or roots up any grass or other vegetation or any way injures or causes to be removed, cut or otherwise injures any tree, bush, grass or hedge without permission shall be punished with imprisonment for a term which may extend to three months or with fine upto ten thousand rupees or with both;

(iii) draws more water or takes water for time which is more than that permitted by the Canal Officer or takes water unauthorized through canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(iv) by any means raises or lowers the level of water by putting obstruction of any materials or takes water unauthorized by putting an engine or other instrument without damaging canal shall be punished with imprisonment for a term which may extend to six months or with fine upto twenty thousand rupees or with both;

(v) interfere with arrangement of regulating or controlling canal water flow or interfere in arrangement for that or damages/removes apparatus or structures constructed for water management shall be

punished with imprisonment for a term which may extend to one year or with fine up to fifty thousand rupees or with both;

(vi) pollutes the canal water or releases liquid waste or solid waste shall be punished with imprisonment for a term which may extend to one year or with fine upto fifty thousand rupees or with both.

(2) Over and above the punishment as referred to in clause (iv) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.

3. In the principal Act, for section 38, the following section shall be substituted, namely:-

**Substitution
of section 38
of Guj. 6 of
2013.**

**Penalty for
endangering
stability of
canal, etc.**

“38. (1) Whoever, without proper authority, -

(i) makes any embankment or creates obstruction by any means for the purpose of diverting flow of a river or damages flood-embankment or carryout activity which leads to damage of flood embankment or refuses or neglects to remove any such embankment or obstruction when lawfully required so to do shall be punished with imprisonment for a term which may extend to one and half years or with fine up to one lakh rupees or with both;

(ii) pierces or cuts through canal or attempts to pierce or cut through canal or insert pipe by piercing or cutting canal or put engine or any other instrument in canal by damaging canal or canal lining or otherwise damage, destroy or endanger the stability or safety of canal or attempt to so shall be punished with imprisonment for a term which may extend to two years or with fine up to two lakhs rupees or with both;

(2) Over and above the punishment as referred to in clause (ii) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.

STATEMENT OF OBJECTS AND REASONS

The availability of water is getting dwindled day to day and it is need of the hour to conserve and save water and put the available water in an economic manner otherwise it may happen that some areas of the State may go without sufficient water for irrigation and domestic use. Water is necessary for the sustenance of human life. While the supply seems abundant, water is not a limitless resource, particularly the fresh potable water most necessary to human survival. Without conservation efforts and efficient water distribution this vital supply of water may be exhausted.

It is also known that the canal system is complex and open and therefore, the water released from dam reaches the tail end areas after a long time. The water used for the irrigation purposes is about 80 to 85 % of the available quantum of water and as the canals are open, it at times occurs that there are regular incidents of water thefts or unauthorized use. It is well known that unscrupulous persons uses various methods for water thefts or polluting water and the water is stolen by damaging the canals passing through their areas or uses more water than their requirement. Various means like using the engines, electric motors for lifting the canal water are deployed for their evil intentions which results in a situation where even though sufficient quantity of water is available, it is not possible to supply water to the rightful persons for irrigation or domestic purposes.

It is therefore, becomes necessary that water is to be conserved and equitable distribution of available water is to be done. It is also considered necessary that in order to check the water thefts or wastage of water, the punishments and the fine which are already provided in the Gujarat Irrigation and Drainage Act, 2013 are increased to cause deterrence so that unscrupulous persons do not indulge in their evil acts of water thefts or wastage of water.

It is therefore, considered necessary and expedient to amend sections 37 and 38 of the said Act to provide for increase in the quantum of punishment and fine.

The Bill seeks to amend the Gujarat Irrigation and Drainage Act, 2013 to achieve the aforesaid objects.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Dated the 22nd July, 2019.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat.

Gandhinagar,

Dated the 22nd July, 2019.

K. M. Lala,

Secretary to the Government of Gujarat;
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT DOMESTIC WATER SUPPLY (PROTECTION) BILL,

2019.

GUJARAT BILL NO. 24 OF 2019.

A BILL

to prevent unauthorized or excessive drawl of water, damage to water supply infrastructure; and to protect domestic water supply system in the State of Gujarat and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

- (1) This Act may be called the Gujarat Domestic Water Supply (Protection) Act, 2019.
- (2) It extends to whole of the State of Gujarat.

Short title, extent
and
commencement.

- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions of this Act.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) “Authority” means a public water distribution authority as specified in section 4;
- (b) “Board” means the Gujarat Water Supply and Sewerage Board established under section 3 of the Gujarat Water Supply and Sewerage Board Act, 1978;
- (c) “bulk pipeline system” means any pipe line, size of which is more than 300mm diameter or such lower size of pipeline which feeds water to storage reservoir or Water Treatment Plants and includes open conveyance channels water storage systems, and valves or attachments on such pipeline;
- (d) “connecting pipe” means a pipe connecting distribution line to the user’s house or premises through which he receives water;
- (e) “distribution pipeline” means pipelines other than used in bulk pipeline system;
- (f) “domestic water” means water used for consumption by human beings for drinking or other domestic purposes such as cooking, bathing, washing, cleaning and other day-to-day activities; and includes consumption of water for live-stock.

Guj. 18 of 1979.

Explanation: For the purpose of this Act, the supply of water for domestic purposes shall also include supply of water among others to commercial units, industrial establishments or institutions by the Authority;

- (g) “group residential connection” means a water connection to a user who owns or occupies more than four dwelling units for residential purposes and water is used for household purpose only;
- (h) “GWIL” means the Gujarat Water Infrastructure Limited, a

18 of 2013. Government company incorporated under the Companies Act, 2013;

(i) “local authority” for the purpose of this Act means-

Bom.LIX of
1949.

(i) a municipal corporation, constituted under the Gujarat Provincial Municipal Corporations Act, 1949;

Guj.34 of
1964.

(ii) a municipality, constituted under the Gujarat Municipalities Act, 1963;

Guj.18 of
1993.

(iii) a village panchayat, constituted under the Gujarat Panchayats Act, 1993;

41 of
2006.

(iv) a Cantonment area, constituted under the Cantonment Act, 2006;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “public domestic water source” means a source of water which is reserved for domestic purposes fully or partially;

(l) “public water distribution system” means a water supply system as provided under section 3; and includes source, conveyance system including bulk and distribution pipe lines, valves and fixers, storage or cisterns, electrical installations, pumping stations, water meter, treatment plant, stand posts or taps and all other equipments, attachments or accessories connected thereto, through which water is supplied;

(m) “regular connection size” means size of the connecting pipe which is normally granted by the Authority to a user in the public water distribution system;

(n) “residential connection” means a water connection granted to a user who owns or occupies a dwelling unit for residential purpose and water is used for residential use only;

(o) “residential use” means use of water from public water distribution system for the household purpose only;

(p) “Schedule” means Schedule appended to this Act;

(q) “user” means a person having a valid water connection for receiving domestic water supply from the public water distribution system.

Public Water Distribution System.

3. A public water distribution system is a water supply system laid or owned by an Authority for supplying water, for domestic purposes to users.

Public Water Distribution Authority.

4. (1) No authority other than a local authority, the Board or GWIL shall lay or own a public water distribution system in the State:

Provided that the State Government may, in public interest, by a notification in the *Official Gazette*, authorize any other agency to lay or own a public water distribution system for such area, as it may deem fit.

- (2) The jurisdiction of the local authority shall be its local limits and the jurisdiction of the Board and GWIL shall be whole of the State:

Provided that where a local authority or an agency has laid a part of the public water distribution system outside its limits or area, the same shall be deemed to be within its jurisdiction for the purposes of this Act:

Provided further that the Board may, on a request made by a local authority, lay and operate public water distribution system within the limits of such local authority.

Powers and Functions of Public Water Distribution Authority.

5. (1) The Authority shall have following powers and functions, namely:-
- I. Relating to water source –
 - (a) to own a water source;
 - (b) to get user right of a source from the Government or any other person;
 - (c) to get water reserved or allocated from a source;
 - (d) to procure water;
 - (e) to develop a water source;
 - (f) to get water from any source for its domestic use;
 - II. Relating to distribution system –
 - (a) to plan, design, execute, operate, manage or maintain a public water

distribution system;

III. Relating to water connection –

- (a) to grant or disconnect water connection;
- (b) to lay down size of connecting pipe to be granted to a user normally, and different sizes can be fixed different kinds of users;
- (c) to lay down terms and conditions for grant of water connection including residential connections or disconnection thereof; and different norms or terms and conditions may fixed for different kind of users; and
- (d) to fix water charges for different category of users subject to the condition that such charges shall not be less than the charges fixed by the State Government for that category of users;

IV. Relating to protection of public water distribution system-

- (a) to prevent theft of water from public water distribution system;
 - (b) to prevent misuse and wastage of water;
 - (c) to prevent damage to the public water distribution system, its parts or components;
 - (d) to prevent tampering, obstruction, diversion, break or interference with flow of water or defacing of public water distribution system;
 - (e) to prevent unauthorized drawl of water;
 - (f) to prevent excess drawl of water; and
 - (g) to take such other measures to protect public water distribution system as may be required.
- (2) The Authority shall, subject to the provisions of this Act, have such other powers and functions to do a thing which may be necessary or expedient for carrying out the purposes of this Act.
- (3) It shall be the responsibility of the Authority to ensure or take adequate measures for protection of public water distribution system including prevention of damage or obstruction to the system or for prevention of

unauthorized or excess drawl of water.

**Reservation
of Public
Domestic
Water
Sources.**

6.(1) The Authority may apply to the State Government for reservation of water from a source in the manner as may be prescribed.

(2) The State Government may, by an order, reserve a water source or such quantity from a water source, for such period and for such Authority or Authorities as it may consider necessary. The State Government may allocate water from a source either fully or partially, to different Authorities keeping in view the demands and requirements of the Authorities as it may deem fit:

Provided that the State Government may, while making an order under sub-section (2), specify whether such reservation is of permanent nature or for a specific period as maybe expedient.

(3) The reservation of water for an Authority may be renewed by an order of the State Government.

(4) Notwithstanding anything contained in section 5 or sub-sections (1) to (3) of this section, the State Government or owner of the water source, as the case may be, shall be responsible for the protection of water source, and shall exercise all powers and functions as may be required.

**Water
Connection.**

7. (1) A person or an Authority desirous of having a water connection shall make an application in such form, with such fees and along with such documents as may be prescribed by the rules, bye-laws or regulations of the Authority, to the concerned Authority having jurisdiction for the purpose of granting water supply connection.

(2) On receipt of an application made under sub-section (1), the Authority shall scrutinize the same and if it is satisfied, shall grant the water connection

subject to sub-section (4) and on such terms and conditions as it may specify. The conditions may include the terms of supply, quantum of water, usage, accessories as may be required, pricing, metering, conditions for protection of water supply system and such other conditions as it may deem fit.

(3) The Authority shall grant connection subject to the rules, bye-laws or regulations made by it for the purpose:

Provided that such rules, bye-laws or regulations may provide for different conditions for different category or class of users while granting water connection.

(4) The Authority shall grant water connection to a user from such distribution pipeline as it may decide depending upon the availability of infrastructure in the public water distribution system and its operational requirements. The decision of the Authority in this regard shall be final.

8. (1) A water meter shall be installed at the source from where an Authority is authorized to draw water. The record of water drawl shall be submitted by the Authority at such interval to the State Government as it may direct. **Water Meter.**

(2) The Authority may provide a water meter or ask user to put a water meter and attach the same to connecting pipe joined with the distribution system of the Authority in the premises of user or outside, subject to the rules, regulations or bye-laws made by the Authority for the purpose.

9. (1) An annual water audit shall be carried out for a water source used for the purpose of domestic supply by the State Government or an agency which owns such water source. **Water Audit.**

(2) An annual water audit shall be carried out by each of the Authorities for

the public water distribution system laid or owned by it.

(3) The manner and scope of the water audit shall be such as may be prescribed by the State Government.

**Prohibition
of certain
Acts.**

10. (1) No person in relation to public water distribution system shall-

- (i) damage, destroy, deface or tamper with the system;
- (ii) tamper valves, or similar devices to change the flow of water;
- (iii) tamper with flow measurement devices including water meters;
- (iv) obstruct, divert, break or interfere flow of water or impede operation or maintenance of system;
- (v) draw water from a public distribution system by connecting or joining a pipe or any other attachment directly or indirectly or by any means, for any purpose without an authorized connection having been obtained from the Authority;
- (vi) draw water in excess of permitted quantity directly or indirectly by tampering the system, use of wrongful means or in contravention of terms and conditions on which connection has been granted by the Authority; and
- (vii) use the water other than the purpose for which the connection is granted by the Authority.

(2) No person shall take away in an unauthorized manner or indulge in the theft of material, equipment or device, used or stocked for the purpose of being laid in public water distribution system.

**Offences and
Penalties.**

11. (1) Whoever in contravention of the provisions of section 10,

- (i) damages, destroys or defaces a public water distribution system shall be punishable with imprisonment for a term which may

extend to two years or with fine, which may extend to rupees one lakh or equal to the amount of damage caused to the system or loss suffered by the Authority, whichever is higher, or with both;

- (ii) tampers a public water distribution system to disturb working of system, tampers valves or similar devices to change the flow, tamper with flow measurement devices including water meter shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to rupees fifty thousand or with both;
- (iii) obstructs, diverts, breaks or interferes with flow of water; or impedes operations or maintenance of system shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to rupees twenty thousand or with both.

(2) Whoever in contravention of the provisions of section 10 draws water from a public distribution system by connecting or joining a pipe or any other attachment directly or indirectly, or by any means, for any purpose without an authorized connection obtained from the authority shall be punishable with such punishment as provided in Schedule I.

(3) Whoever in contravention of the provisions of sub-clauses (i) to (vi) of sub-section (1) of section 10 draws water in excess of permitted quantity directly or indirectly by tampering the system, use of wrongful means or in contravention of terms and conditions on which water connection has been granted by the Authority, shall be punishable with such penalty as provided in Schedule II.

(4) Whoever other than a user who has a residential connection, in contravention of the provisions of section 10 uses the water other than the purpose for which the water connection is granted shall be punishable with a fine which may extend to rupees twenty thousand.

(5) A person taking away in an unauthorized manner or indulging in the theft of material, equipment or device used or stocked for the purpose of public water distribution system shall be punishable with imprisonment for a term which may extend to three years or with fine, which may extend to rupees one lakh or with both.

(6) Whoever abets any offence specified in sub-sections (i) to (v) of sub-section (1) of section 10 shall be punished with the punishment provided for the offence in the relevant sub-section of this section:

Provided that whenever such an offence is abetted by an employee, officer, office bearer or an agency engaged by the Authority, the abettor shall be punished with imprisonment or fine provided for the offence which shall be double the amount specified in the relevant sub-sections, or with both.

**Obstructing
an Employee
or Authorised
Officer in
Discharge of
his Duties.**

12. (1) No person shall obstruct or interfere in discharge of the duties and functions by an employee, officer or a person authorized by the Authority under the provisions of this Act or the rules made thereunder.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to rupees ten thousand or with both.

**Power to
Search,
Inspect
and
Seizure.**

13. (1) Any person or officer of the Authority authorized in this behalf by the Authority may -

(a) enter and inspect at any time in any premises where water is supplied by the Authority or any components of public water distribution system lies, if it appears necessary to him for ascertaining proper functioning of the system or to inquire whether any activity has been carried or is being carried out in contravention of the provisions of this Act or an act has been or is being committed which is prohibited under the Act;

- (b) search, seize and remove all such devices, instruments or any other articles which has been, or is being, or is likely to be used for contravention of the provisions of this Act or for committing an act which is prohibited;
- (c) examine or seize any books of accounts, materials or documents, equipment or devices which in his opinion shall be useful as evidence for or relevant to, any proceedings in respect of an offence under section 10 and allow the person from whose custody such books of accounts, materials or documents, equipment or devices are seized to make copies thereof or take extracts there from in his presence.

(2) The owner or occupant of the place or premises of search or any person on his behalf shall be allowed to remain present, as far as possible, during the search and a list of all the things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list.

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(3) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, to searches and seizures carried out under this sub-section.

(4) Where, during an inspection or search of any place or premises under sub-section (1), a user or a person is found to have committed an offence under section 10, the authorized officer may disconnect the water supply to such place or premises immediately without any notice.

14. (1) Any person or officer of the Authority authorized referred to in sub-section(1) of section 13,who has entered, searched or inspected any premises and has reason to believe that an offence is committed under clause (v), (vi) or (vii) of sub-section (1) of section10,shall prepare a report along with evidences gathered and submit the same with his findings to the Assessing

**Assessment
of Loss.**

Officer (hereinafter referred to as “Assessing Officer”) for the assessment of loss or damage suffered.

(2) Subject to such criteria and the manner as may be prescribed, the Assessing Officer shall assess the loss or damage caused to the Authority on account of unauthorized or excess drawl of water or use of water for a purpose other than for which connection was granted, on the basis of the report referred to in sub-section (1) of this section or after an enquiry, as may be required, and pass an order of recovery for such loss or damages suffered by the Authority.

(3) The Assessment Officer shall have regard to the following factors while passing an order under sub-section (2):-

- (a) quantity of water drawn in unauthorized manner,
- (b) duration of such activity,
- (c) charge or rate of water supplied,
- (d) quality of water,
- (e) usage of water, and
- (f) any other factors relevant for determination of the cost of water drawn in unauthorized.

(4) The Assessing Officer shall be appointed by the Authority in such manner as may be prescribed.

(5) The amount assessed under sub-section (2) shall be recoverable in the same manner as an arrear of land revenue.

Appeal. 15. (1) A person or user aggrieved by an order of the Assessing Officer made under section 14, may prefer an appeal to the Appellate Officer within a period of thirty days from the date of the order along with such fees and such documents as may be prescribed.

(2) The Appellate Officer shall after examining the records and giving an opportunity of being heard, pass an order as it deem fit.

(3) The Appellate Officer shall be appointed by the State Government in such manner as may be prescribed.

16. (1) A person aggrieved by an order of the Appellate Officer made under section 15, may prefer a second appeal within a period of 30 days from the date of the order passed by the Appellate Officer, along with such fees and such documents as may be prescribed, to the Water Appellate Authority constituted under section 17.

**Water
Appellate
Authority**

(2) The Water Appellate Authority shall after examining the record and following such procedure as may be prescribed by the State Government in consultation with the Water Appellate Authority and pass an order as it may deem fit.

(3) The Water Appellate Authority shall have same powers as that a civil court.

17. (1) The State Government shall, by notification in the *Official Gazette*, constitute a Water Appellate Authority for the purpose of deciding appeals filed against an order passed by the Appellate Officer.

**Constitution
of
Water
Appellate
Authority**

(2) The Water Appellate Authority shall consist of a Chairman and such members as the State Government may specify.

(3) The terms and conditions of the Chairman and Members, and the procedure to be followed by the Authority shall be such as may be prescribed.

18. (1) The Authority or any officer authorized by it in this behalf may by general or a special order, either before or after the institution of the proceedings for any offence punishable under this Act, accept from a user or a person penalized with the offence by the way of compounding of the offence a sum equivalent to double the maximum amount of fine prescribed in the relevant sub-sections of section 11.

**Compounding
Offence**

(2) The State Government may, by notification in the *Official Gazette*, specify such reduced sum, for such offences, at which the Authority

may compound the offence. Further, the Authority shall not compound any offence on payment of

sum below the limit fixed for the purpose of that offence by the State Government.

(3) When an offence has been compounded under sub-section (1), the offender, shall be discharge and no further proceedings shall be made against himin respect of the offence compounded, and if the offender is in custody, he shall be discharged.

**Bar of
Jurisdiction
of
Civil Court.**

19.No civil court shall have the jurisdiction to deal with or decide any question which the Assessing Officer or Appellate Officer, as the case may be, the Water Appellate Authority empowered to deal with or decide with by or under this Act and no injunction shall be granted by any civil court in respect of any action taken or to be taken in pursuance of any of the provisions of this Act.

**Act to have
overriding
effect and
effect of other
laws.**

20. (1) The provisions of this Act shall have effect notwithstanding anything containing any other law for the time being enforce, in so far as the provisions relating to public domestic water supply.

(2) Notwithstanding anything contained in any other law for the time being in force, when anything in relation to water supply measures are required to be done or approved under this Act, such things shall not be deemed to have been unlawfully done or approved by reason only of the fact that permission, approval or sanction required under such other law has not been obtained.

**Cognizance
of offence.**

21.No court shall take cognizance of an offence punishable under this Act or the rules made thereunder except on a complaint made by the Authority or any officer authorized in this behalf by the Authority, as the case may be.

**Designation
of Special
Court.**

22.For the purpose of providing speedy trial of the offences under this Act, in any district or metropolitan area in the State, the State Government may, after consultation with the High Court by notification in *Official Gazette*, designate one or more courts of Judicial Magistrate of First Class or, as the case may be, of Metropolitan Magistrate in such district or metropolitan area.

23. (1) The State Government may, by notification in *Official Gazette*, delegate any of its powers, except the power of making rules, exercisable by it under this Act or the rules, to the Board in such matters and subject to such terms and conditions, if any, as may be specified in such notification.

Delegation of power.

(2) The Board may with prior permission of the State Government issue such guidelines and advisory to the local authorities in respect of execution of this Act.

24. The State Government may give, from time to time, such directions to the authorities or the Board as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of such authority or the Board to comply with such directions.

Power to give directions.

25. No suit or prosecution proceedings shall lie against any person for anything done in good faith or intending to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

26. (1) The State Government may, by notification in the *Official Gazette*, make rules not inconsistent with this Act, for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

(a) the manner of making application by a public water distribution

authority, to the State Government for reservation of water from a source under sub-section (1) of section 6;

- (b) the manner and scope of water audit under sub-section (3) of section 9;
- (c) The criteria and the manner for assessing the loss or damage caused to the Authority under sub-section (2) of the section 14;
- (d) the manner of appointment of Assessing Officer under the sub-section (4) of the section 14;
- (e) the fees payable and documents to be attached with the appeal sub-section (1) of section 15;
- (f) the manner of appointment of Appellate Officer under the sub-section (3) of the section 15;
- (g) the fees payable and documents to be attached with the appeal under sub-section (1) of section 16;
- (h) the procedure for examining the appeal by the Water Appellate Authority under sub-section (2) of section 16;
- (i) The terms and conditions of the Chairman and Members, and the procedure to be followed by the Water Appellate Authority under sub-section (3) of section 17;
- (j) any other matter which is required to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and thereupon take effect.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may issue an order not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the date of coming into force of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made before the Legislature.

SCHEDULE I

(Seesub-section (2) of section 11)

Nature of offence and punishment for unauthorized connection of water depending upon pipeline from which water is drawn, nature of connection, usage of water and size of connecting pipe:

| Sr. No. | Nature of Connection | Usage of water | Size of connecting pipe | Punishment |
|---|---|----------------------------|-------------------------------------|------------------------------------|
| (1) | (2) | (3) | (4) | (6) |
| A. Pipeline from which water is drawn: Distribution Line | | | | |
| 1. | Residential Connection and Group Residential Connection | Residential Use | Regular Connection Size | Fine not exceeding rupees 3,000/- |
| 2. | Residential Connection and Group Residential Connection | Residential Use | Bigger than Regular Connection Size | Fine not exceeding rupees 5,000/- |
| 3. | Other than Residential Connection | Other than Residential Use | Regular Connection Size | Fine not exceeding rupees 5,000/- |
| 4. | Other than Residential Connection | Other than Residential Use | Bigger than Regular Connection Size | Fine not exceeding rupees 20,000/- |

| B.Pipeline from which water is drawn: Bulk pipeline system | | | | |
|---|---|----------------------------|-------------------------------------|---|
| 5. | Residential Connection and Group Residential Connection | Residential Use | Regular Connection Size | Fine not exceeding rupees 5,000/- |
| 6. | Residential Connection | Residential Use | Bigger than Regular Connection Size | Fine not exceeding rupees 20,000/- |
| 7. | Group Residential Connection | Any Use | Bigger than Regular Connection Size | Imprisonment up to one month or penalty not exceeding rupees 20,000/- or with both |
| 8. | Other than Residential Connection | Other than Residential Use | Regular Connection Size | Imprisonment up to one month or penalty not exceeding rupees 50,000/- or with both |
| 9. | Other than Residential Connection | Other than Residential Use | Bigger than Regular Connection Size | Imprisonment up to three months or penalty not exceeding rupees 1,00,000/- or with both |
| C.In case of any other offence, which is not covered in entry 1 to 9, shall be punished with imprisonment of term not exceeding 3months or a fine, which shall not exceed rupees 100,000/- or with both. | | | | |

SCHEDULE II

(Seesub-section(3) of section 11)

Nature of offence and punishment for unauthorized drawl of water from valid connection depending upon nature of connection; usage of water and whether the connecting pipe has been tampered with.

| Sr. No. | Nature of Connection | Usage of water | Punishment |
|--|-----------------------------------|----------------------------|------------------------------------|
| (1) | (2) | (3) | (4) |
| A. Unauthorized drawl of water without tampering with connecting pipe | | | |
| 1. | Residential Connection | Residential Use | Fine not exceeding rupees 2,000/- |
| 2. | Other Than Residential Connection | Other than Residential Use | Fine not exceeding rupees 3,000/- |
| B. Unauthorized drawl of water by tampering with connecting pipe, and/or joining a connecting pipe bigger than regular connection size pipe | | | |
| 3. | Residential Connection | Residential Use | Fine not exceeding rupees 5,000/- |
| 4. | Other than Residential Connection | Other than Residential Use | Fine not exceeding rupees 20,000/- |

STATEMENT OF OBJECTS AND REASONS

Water is essential for life. Water is required for basic human need and for the socio-economic development of the society. Gujarat is traditionally a water scarce State and has been facing recurrent droughts. The problem in the State is further accentuated due to uneven distribution of water, wherein, major water sources are located in Central and South Gujarat regions.

Looking to the need of water, particularly in Saurashtra, Kachchh and North Gujarat region, Government has planned and executed extensive Water Grid, wherein, the water travels from dams of Central Gujarat to the arid zones of North and Western parts of the State. Due to this Water Grid, the people in these areas have received water to cater to their needs and thus drinking water security has been achieved to a large extent. The Government have invested heavily in the Water Grid to take water to the coastal areas and scarcity affected areas of Saurashtra and Kachchh regions, where, drinking water scarcity has been a regular phenomenon. The water grid has its extensive presence over these areas spanning hundreds of kilometres of conveyance network including canals, bulk pipelines and distribution network.

It is important that discipline is maintained in the operation of water distribution and water reaches the end users in a regular manner within the distribution system. Also, water needs to be distributed evenly within in a village or city in order to reach to the end users properly. Unfortunately, certain water users draw water illegally from the pipelines or over- draw water if they have a valid connection. There are also instances, wherein water distribution systems has either been contaminated, damaged or tampered with affecting system of regular water supply. In such a scenario, water availability to the tail end users reduces and they are deprived off water security. This situation calls

for urgent and strong measures to curb this kind of practices, wherein, normal operation of water distribution system is disturbed and water security is jeopardized. It is therefore proposed to enact a law for protection of domestic water supply.

Any person, who damages, tampers or illegally draws water, is sought to be punished so as to deter the people from doing such activities. The Act provides for penalties and recovery of loss suffered by the water distribution authorities on account of illegal drawl of water to prevent such activities. In addition, the Bill provides for a mechanism to reserve water for domestic purposes. It is expected that the Bill will prevent such disruptions leading to better water security and safeguard people's interest to receive safe drinking water in a regular manner enhancing their quality of life and usher a better socio-economic future to the people of the State.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill:-

Clause 1.-This clause provides for short title, extent and commencement of the Act.

Clause 2.-This clause provides for certain terms used in the Act.

Clause 3.-This clause provides that a public water distribution system shall be laid by a public water distribution authority for supplying water for domestic purposes to users.

Clause 4.- This clause provides for laying of public water distribution system by the local authority, the Gujarat Water Supply and Sewerage Board and Gujarat Water Infrastructure Limited, in the State and jurisdiction of respective authority; and also provides for laying of public water distribution system by

any agency as may be authorized by the State Government.

Clause 5.- This clause provides for powers and functions of public water distribution authority which are mainly related to procurement and development of water sources, allocation of water; and to plan, design, execute, operate and maintain distribution system, to grant of water connection and to prevent theft, misuse and wastage of water supply project, to prevent damages to the water infrastructure and unauthorized drawl of water.

Clause 6.- This clause provides for making an application by a public water distribution authority to the State Government for reservation of water from a source. It also provides for the powers of the State Government to reserve the water sources for such period and purposes and such authorities and allocation of water from the source.

Clause 7.- This clause provides for manner of grant of water connection by the local authority subject to such conditions as prescribed under the rules, regulations or by-laws made by the respective authority.

Clause 8.- This clause provides for installation of water meter at the water source from where a public water distribution authority is authorized to drawl water. it also provide for providing water meter by the authority to users.

Clause 9.- This clause provides for water audit to be carried out by the authority who owns a water source used for domestic purpose and also for public water distribution authority for the water distribution system laid by it.

Clause 10._ This clause provides for prohibition of certain acts, by any person in relation to public water distribution system, such as use of water, damage, destroy, tamper with the public water distribution system, tampering with the with the measurement devises of flow of water, unauthorized drawl of water, abstraction, diversion, interference, etc. with the maintenance of water supply system.

Clause 11.-This clause provides for penalties for contravention of prohibitions of acts provided in section 10 of the Act.

Clause 12.-This clause provides that no person shall obstruct or interfere in discharge of duties to any employee, officer or authorized person of the authority, and punishment there for.

Clause 13.-This clause provides for power of any authorized officer of the authority for search, seizure and inspection of any premises where water is supplied by the authority, if he has reason to believe that any activities has been or being carried out in contravention of the provisions of the Act or the rules and also to disconnect the water supply if a user or a person is found to have committed offence under section 10.

Clause 14.-This clause provides for assessment of loss or damaged caused to the authority by the act of any person in contravention of provisions of clause (v). (vi) or (vii) of sub-section (1) of section 10 and submission a report; and recovery of loss on account of damage caused to the authority. It also provides for recovery of loss as an arrear of land revenue.

Clause 15.-This clause provides for manner of preferring appeal to the appellate officer against the order of recovery of loss passed by the assessing officer.

Clause 16. - This clause provides manner of preferring second appeal to the Water Appellate Authority against the order of Appellate Officer.

Clause 17.-This clause provides for constitution of the Water Appellate Authority by the State Government consisting of the Chairman and other members. It also provides for terms and conditions of appointment of Chairman and Members and procedure for deciding the appeal.

Clause 18.-This clause provides for compounding of offences by the authority or such authorized officer, on payment of double the amount of penalty

prescribed in relevant clause.

Clauses 19 to 21.-These clauses provide for Bar of Jurisdiction of civil court, overriding effect of this Act over other laws and cognizance of offence.

Clause 22. - This clause provides that the State Government may, by notification in the *Official Gazette* designate one or more courts of Juridical Magistrate of First Class or of Metropolitan Magistrate in consultation with the High Court of Gujarat as designated court for speedy trial of the offences under this Act.

Clause 23.-This clause provides for the power of State Government to delegate any of its powers except the power of making rules, by notification in the *Official Gazette*, to the Board in such matter and subject to such terms and conditions as may be specified in such notification.

Clause 24.-This clause provides for the power of the State Government to give directions to the local authorities or the Board as it may deem fit for giving effect to the provisions of this Act.

Clause 25.-This clause provides for the usual indemnity for acts done in good faith.

Clause 26.-This clause empowers the State Government to make rules generally for carrying out the purposes of this Act and particularly for the matters specified in sub-section (2).

Clause 27.-This clause provides for the power of the State Government to remove, by an order, any the difficulty or do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient within a period of three years from coming into force of this Act.

KUNVARJIBHAI BAVALIYA,

FINANCIAL MEMORANDUM

As the Act would be implemented by the Authority of the State thus, there is no proposal to create new posts in the State. Therefore, if this Bill is enacted and brought into force, there would not be any additional expenditure, recurring or non-recurring, from the Consolidated Fund of the State.

KUNVARJIBHAI BAVALIYA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.-Sub-clause (3) of this clause empowers the State Government by notification in the Official Gazette, to appoint the date on which this Act shall come into force; and different dates may be appointed for different provisions of this Act.

Clause 4.-Proviso to this clause empowers the State Government, by notification in the Official Gazette, to authorize any other agency to lay a

public water distribution system for such area as it may deem fit.

Clause 6.-Sub-clause(1) of this clause empowers the State Government to prescribe by rules, the manner in which the Authority may apply to the State Government for reservation of water from a source.

Clause 7.- Sub-clause (1) of this clause empowers the State Government and the concerned authority to prescribe by rules or bye laws or regulations as the case may be, the form in which, the fee with which, and the documents alongwith which a person or an Authority desirous of having a water connection shall make an application.

Clause 9.-Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner and scope of water audit.

Clause 14.-(i) Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the criteria and the manner subject to which the Assessing Officer shall assess the loss or damage caused to the Authority on account of unauthorized or excess drawl of water or use of water for a purpose other than for which connection was granted.

(ii) Sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which the Assessing Officer shall be appointed by the Authority.

Clause 15.-(i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the fees and the documents alongwith which a person or user aggrieved by an order of the Assessing Officer made under section 14, may prefer an appeal to the Appellate Officer within a period of thirty days from the date of the order.

(ii) Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which the Appellate Officer shall be appointed by

the State Government.

Clause 16.-(i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the fees and the documents alongwith which a person or user aggrieved by an order of the Assessing Officer made under section

15, may prefer a second appeal to the Water Appellate Authority constituted under section 17, within a period of thirty days from the date of the order.

(ii) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the procedure followed by which the Water Appellate Authority shall pass an order after examining the record.

Clause 17.-(i) Sub-clause(1) of this clause empowers the State Government by notification in the *Official Gazette*, to constitute the Water Appellate Authority consisting of the Chairman and members as may be specified therein.

(ii) Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the terms and conditions of the Chairman and members of the Water Appellate Authority; and also empowers to prescribe the procedure to be followed by the Water Appellate Authority.

Clause 18 - Sub-clause (2) of this clause empowers the State Government by notification in the *Official Gazette*, to prescribe such reduced rate for such offences at which the Authority or any other officer authorized by it shall compound the offence.

Clause 22. - This clause empowers the State Government by notification in the *Official Gazette*, in consultation of the High Court, to designate one or more Courts of the Judicial Magistrate of First Class or Metropolitan

Magistrate, in the district or metropolitan area, as the case may be as designated court for speedy trial of offences under this Act.

Clause 23. - sub-clause(2) of this clause empowers the State Government, by notification in *Official Gazette*, to delegate any of its powers, except the power of making rules, exercisable by it under this Act or the rules, to the Board in such matters and subject to such terms and conditions, if any, as may be specified in such notification.

Clause 24.-This clause empowers the State Government, by notification in the *Official Gazette*,to issue, from time to time, directions to the local authorities or the Board as it may deem fit for giving effect to the provisions of this Act.

Clause 26.- This clause empowers the State Government, by notification in the *Official Gazette*, to make rules not inconsistent with this Act for carrying out the purposes of this Act.

Clause 27.- This clause empowers the State Government by an order, to remove any difficulty arises in giving effect to the provisions of this Act, or do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient within a period of three years.

The delegation of legislative power as aforesaid is necessary and of a normal character.

Dated the 22nd July, 2019.

KUNVARJIBHAI BAVALIYA.

By order and in the name of the Governor of Gujarat.

Gandhinagar,
Dated the 22nd July, 2019.

K. M. Lala,
Secretary to the Government of Gujarat;
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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The Gujarat Government Gazette

EXTRAORDINARY
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Vol. LX]

TUESDAY, JULY 23, 2019 / SRAVANA 1, 1941

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PRIVATE UNIVERSITIES (SECOND AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 25 OF 2019.

A BILL

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS the Charutar Vidya Mandal, Vallabh Vidyanagar and Samata Lok Sansthan, Vadodara have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

Guj. 8 of
2009.

AND WHEREAS the said applications have been scrutinised by the Scrutiny Committee and on report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring bodies have complied with the conditions of Letter of Intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institutions specified in column 2 of the Schedule as a Private University, by the name and location of the aforesaid sponsoring bodies as specified in column 4 of the said Schedule.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Second Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj. 8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule,-

Guj. 8 of 2009.

- (i) for the entry at serial No. 3, the following entry shall be substituted, namely:-

| Sr. No. | Name and address of the Private University. | Details of registration and registration number. | Sponsoring Body. |
|---------|---|---|--|
| 1. | 2. | 3. | 4. |
| "3. | The Sabarmati University, Ahmedabad. | U80900DL2010NPL199956, Assistant Registrar of Companies, New Delhi (Under section 25 of the Companies Act). | Calorx Advanced Learning and Research Foundation, B-7/122-A, Safdarjung Enclave, New Delhi -110029." |

(ii) after the entry at serial No. 34, the following entries shall be inserted, namely:-

| Sr. No. | Name and address of the Private University. | Details of registration and registration number. | Sponsoring Body. |
|----------------|--|---|---|
| 1. | 2. | 3. | 4. |
| “35. | The Charutar Vidya Mandal (CVM) University, Vallabhvidyanagar, Dist:- Anand. | F/12 kheda under the Gujarat Public Trusts Act, 1950 Date:-01/05/1953 Bombay/23/Kheda Under the Societies Registration Act, 1860 Date:- 10/08/1945 | Charutar Vidya Mandal, P.B.No. 22, Vallabh Vidyanagar-388120. |
| 36. | ITM(SLS) Baroda University, Vadodara, ITM Universe Campus, Jarod, Village:- Paldi, Halol Highway, Ta:- Waghodiya, Vadodara-391510. | E/7348/Vadodara under the Gujarat Public Trusts Act, 1950. | Samata Lok Sansthan Trust, Vadodara, ITM Universe Campus, Jarod, Village:- Paldi, Halol Highway, Ta:- Waghodiya, Vadodara-391510.”. |

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of Private Universities in the State so as to provide for qualitative and industry related higher education and to regulate their functions in accordance with the provisions of the Act. A private University declared as such under the said Act is required to administer the affairs of the University as per the provisions of the said Act and the Governing Body, the Board of Management, the Academic Council and such other authorities are required to perform their duties and discharge their functions as provided in the said Act and the constitution of such bodies shall be as provided in the said Act.

As the present name of the “Calorx” University is a bit difficult for general public to pronounce which leads to the name of the University being pronounced in different manner as “Kalroksh”, “Kaloraksh”, etc. Therefore, the sponsoring body of the Calorx University has requested the State Government to have their University name as the Sabarmati University which shall be generally acceptable to a common man. Clause 2(i) of the Bill provides for the same.

Further the State Government has received the proposals from the Charutar Vidya Mandal, Vallabh Vidyanagar and Samata Lok Sansthan, Vadodara, respectively as the Private Universities. Section 10 of the said Act provides that if the State Government is satisfied that the Sponsoring Body has complied with the conditions of Letter of Intent, then, the State Government is required to bring appropriate legislation for inclusion of the name of the University in the Schedule to the said Act. The said proposals have been considered by the Scrutiny Committee appointed under section 8 of the said Act and the Committee has submitted its report to the State Government and on the basis of such report, the State Government has, having been satisfied, issued a Letter of Intent as provided under section 9 of the Act and since the sponsoring bodies have complied with the conditions of the Letter of Intent, it is considered necessary to include the names of the Universities in the Schedule to the Act as envisaged under section 10 of the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid object.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 23rd July, 2019.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 23rd July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.

Extra No. 26



વાર્ષિક લવાજમનો દર રૂ. ૪,૦૦૦/-



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Vol. LX]

WEDNESDAY, JULY 24, 2019/ SRAVANA 2, 1941

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT APPROPRIATION BILL, 2019.

GUJARAT BILL NO. 26 OF 2019.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2020.

It is hereby enacted in the Seventieth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2019. **Short title.**

**Withdrawal of
₹14,05,59,61,41,000/-
from and out of the
Consolidated Fund
of the State of Gujarat
for the financial year
2019-20.**

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh forty thousand five hundred fifty-nine crores sixty-one lakh forty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2019-20 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE*(See Sections 2 and 3)*

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|----------------------|------------------------|--------------|
| | | | Voted expenditure | Charged expenditure | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 1 | Agriculture and Co-operation Department | REVENUE | 118711000 | 0 | 118711000 |
| 2 | Agriculture | REVENUE | 21685663000 | 0 | 21685663000 |
| | | CAPITAL | 666667000 | 0 | 666667000 |
| 3 | Minor Irrigation, Soil Conservation and Area Development. | REVENUE | 1048839000 | 0 | 1048839000 |
| | | CAPITAL | 614302000 | 0 | 614302000 |
| 4 | Animal Husbandry | REVENUE | 5324201000 | 0 | 5324201000 |
| 5 | Co-operation | REVENUE | 11167490000 | 0 | 11167490000 |
| | | CAPITAL | 388468000 | 0 | 388468000 |
| 6 | Fisheries | REVENUE | 2389769000 | 0 | 2389769000 |
| | | CAPITAL | 1800000000 | 0 | 1800000000 |
| 7 | Other expenditure pertaining to Agriculture and Co-operation Department. | CAPITAL | 1067000 | 0 | 1067000 |
| 8 | Education Department | REVENUE | 73115000 | 0 | 73115000 |
| 9 | Education | REVENUE | 180562300000 | 1655067000 | 182217367000 |
| | | CAPITAL | 4065519000 | 0 | 4065519000 |
| 10 | Other expenditure pertaining to Education Department | REVENUE | 10400000 | 0 | 10400000 |
| | | CAPITAL | 306667000 | 0 | 306667000 |
| 11 | Energy and Petro-Chemicals Department | REVENUE | 57199000 | 0 | 57199000 |
| 12 | Tax collection charges (Energy and Petro-Chemicals Department) | REVENUE | 164167000 | 0 | 164167000 |
| 13 | Power Projects | REVENUE | 63518174000 | 0 | 63518174000 |
| | | CAPITAL | 23831001000 | 0 | 23831001000 |
| 14 | Other Expenditure pertaining To Energy and Petro-Chemicals Department | REVENUE | 6667000 | 0 | 6667000 |
| | | CAPITAL | 334400000 | 0 | 334400000 |
| 15 | Finance Department | REVENUE | 145568000 | 0 | 145568000 |
| 16 | Tax Collection Charges (Finance Department) | REVENUE | 2156477000 | 0 | 2156477000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|----------------------|------------------------|--------------|
| | | | Voted expenditure | Charged expenditure | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 17 | Treasury and Accounts Administration | REVENUE | 1292389000 | 0 | 1292389000 |
| 18 | Pension and other Retirement Benefits | REVENUE | 78140484000 | 66667000 | 78207151000 |
| 19 | Other expenditure pertaining to Finance Department | REVENUE | 58472638000 | 0 | 58472638000 |
| | | CAPITAL | 2333000 | 1000 | 2334000 |
| 20 | Repayment of Debt pertaining to Finance Department and its Servicing | REVENUE | 0 | 136301667000 | 136301667000 |
| | | CAPITAL | 0 | 110606289000 | 110606289000 |
| 21 | Food, Civil Supplies and Consumer Affairs Department. | REVENUE | 304111000 | 0 | 304111000 |
| 22 | Civil Supplies | REVENUE | 4450802000 | 0 | 4450802000 |
| 23 | Food | REVENUE | 403019000 | 0 | 403019000 |
| | | CAPITAL | 602263000 | 0 | 602263000 |
| 24 | Other Expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department | CAPITAL | 1000 | 0 | 1000 |
| 25 | Forests and Environment Department | REVENUE | 79199000 | 0 | 79199000 |
| 26 | Forests | REVENUE | 4203075000 | 8143000 | 4211218000 |
| | | CAPITAL | 3017660000 | 0 | 3017660000 |
| 27 | Environment | REVENUE | 274711000 | 0 | 274711000 |
| 28 | Other expenditure pertaining to Forest and Environment Department. | CAPITAL | 1483000 | 0 | 1483000 |
| 29 | Governor | REVENUE | 0 | 54094000 | 54094000 |
| 30 | Council of Ministers | REVENUE | 27353000 | 0 | 27353000 |
| 31 | Elections | REVENUE | 93973000 | 0 | 93973000 |
| | | CAPITAL | 0 | 0 | 0 |
| 32 | Public Service Commission | REVENUE | 106291000 | 215802000 | 322093000 |
| 33 | General Administration Department | REVENUE | 772049000 | 0 | 772049000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|----------------------|------------------------|-------------|
| | | | Voted expenditure | Charged expenditure | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 34 | Economic Advice and Statistics | REVENUE | 239768000 | 0 | 239768000 |
| 35 | Other expenditure pertaining to General Administration Department | REVENUE | 175874000 | 2175000 | 178049000 |
| | | CAPITAL | 7083466000 | 0 | 7083466000 |
| 36 | State Legislature | REVENUE | 309530000 | 3473000 | 313003000 |
| 37 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | CAPITAL | 1933000 | 0 | 1933000 |
| 38 | Health and Family Welfare Department | REVENUE | 94252000 | 0 | 94252000 |
| 39 | Medical and Public Health | REVENUE | 39316368000 | 0 | 39316368000 |
| | | CAPITAL | 8869709000 | 0 | 8869709000 |
| 40 | Family Welfare | REVENUE | 14098148000 | 0 | 14098148000 |
| | | CAPITAL | 34033000 | 0 | 34033000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | REVENUE | 0 | 1809000 | 1809000 |
| | | CAPITAL | 1000000 | 0 | 1000000 |
| 42 | Home Department | REVENUE | 125588000 | 0 | 125588000 |
| 43 | Police | REVENUE | 34248270000 | 0 | 34248270000 |
| 44 | Jails | REVENUE | 1394872000 | 0 | 1394872000 |
| 45 | State Excise | REVENUE | 131891000 | 0 | 131891000 |
| 46 | Other expenditure pertaining to Home Department. | REVENUE | 3762685000 | 4001000 | 3766686000 |
| | | CAPITAL | 7253796000 | 0 | 7253796000 |
| 47 | Industries and Mines Department. | REVENUE | 238931000 | 0 | 238931000 |
| 48 | Stationery and Printing | REVENUE | 485409000 | 0 | 485409000 |
| | | CAPITAL | 69000000 | 0 | 69000000 |
| 49 | Industries | REVENUE | 28508957000 | 0 | 28508957000 |
| | | CAPITAL | 5855478000 | 0 | 5855478000 |
| 50 | Mines and Minerals | REVENUE | 1495527000 | 0 | 1495527000 |
| | | CAPITAL | 80567000 | 0 | 80567000 |
| 51 | Tourism | REVENUE | 848693000 | 0 | 848693000 |
| | | CAPITAL | 3298667000 | 0 | 3298667000 |
| 52 | Other Expenditure pertaining to Industries and Mines Department | REVENUE | 712153000 | 0 | 712153000 |
| | | CAPITAL | 3094367000 | 0 | 3094367000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|----------------------|------------------------|-------------|
| | | | Voted expenditure | Charged expenditure | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 53 | Information and Broadcasting Department | REVENUE | 13007000 | 0 | 13007000 |
| 54 | Information and Publicity | REVENUE | 887241000 | 0 | 887241000 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | REVENUE | 77825000 | 0 | 77825000 |
| | | CAPITAL | 1000000 | 0 | 1000000 |
| 56 | Labour and Employment Department | REVENUE | 185393000 | 0 | 185393000 |
| 57 | Labour and Employment | REVENUE | 6982143000 | 0 | 6982143000 |
| | | CAPITAL | 255500000 | 0 | 255500000 |
| 58 | Other Expenditure Pertaining to Labour and Employment Department | CAPITAL | 113000 | 0 | 113000 |
| 59 | Legal Department | REVENUE | 86873000 | 0 | 86873000 |
| 60 | Administration of Justice | REVENUE | 6387534000 | 977357000 | 7364891000 |
| 61 | Other Expenditure pertaining to Legal Department | REVENUE | 634604000 | 0 | 634604000 |
| | | CAPITAL | 3467000 | 0 | 3467000 |
| 62 | Legislative and Parliamentary Affairs Department | REVENUE | 55738000 | 0 | 55738000 |
| 63 | Other Expenditure pertaining to Legislative and Parliamentary Affairs Department | CAPITAL | 1000 | 0 | 1000 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | REVENUE | 128446000 | 0 | 128446000 |
| 65 | Narmada Development Scheme | CAPITAL | 29500000000 | 0 | 29500000000 |
| 66 | Irrigation and Soil Conservation | REVENUE | 8850680000 | 18856000 | 8869536000 |
| | | CAPITAL | 28929974000 | 267450000 | 29197424000 |
| 67 | Water Supply | REVENUE | 1426000000 | 0 | 1426000000 |
| | | CAPITAL | 19520033000 | 0 | 19520033000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|---|---------------------|----------------------|------------------------|-------------|
| | | | Voted expenditure | Charged expenditure | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 68 | Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department. | REVENUE | 0 | 1333333000 | 1333333000 |
| | | CAPITAL | 1067000 | 0 | 1067000 |
| 69 | Panchayats, Rural Housing and Rural Development Department | REVENUE | 63058000 | 0 | 63058000 |
| 70 | Community Development | REVENUE | 19926955000 | 0 | 19926955000 |
| 71 | Rural Housing and Rural Development | REVENUE | 17879352000 | 2673067000 | 20552419000 |
| | | CAPITAL | 16248000 | 0 | 16248000 |
| 72 | Compensation and Assignments | REVENUE | 916979000 | 0 | 916979000 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | REVENUE | 5267947000 | 0 | 5267947000 |
| | | CAPITAL | 14667000 | 0 | 14667000 |
| 74 | Transport | REVENUE | 3617812000 | 0 | 3617812000 |
| | | CAPITAL | 6264020000 | 0 | 6264020000 |
| 75 | Other expenditure pertaining to Ports and Transport Department | REVENUE | 402152000 | 0 | 402152000 |
| | | CAPITAL | 36068000 | 0 | 36068000 |
| 76 | Revenue Department | REVENUE | 298714000 | 0 | 298714000 |
| 77 | Tax collection charges (Revenue Department) | REVENUE | 2253823000 | 67000 | 2253890000 |
| 78 | District Administration | REVENUE | 3744471000 | 0 | 3744471000 |
| 79 | Relief on account Natural Calamities | REVENUE | 12195270000 | 0 | 12195270000 |
| | | CAPITAL | 500000000 | 0 | 500000000 |
| 80 | Dang District | REVENUE | 370435000 | 0 | 370435000 |
| 81 | Compensation and Assignment | REVENUE | 2007069000 | 467000 | 2007536000 |
| | | CAPITAL | 200000 | 2633000 | 2833000 |
| 82 | Other expenditure pertaining to Revenue Department | REVENUE | 12432000 | 0 | 12432000 |
| | | CAPITAL | 1740000 | 0 | 1740000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|---|---------------------|----------------------|------------------------|-------------|
| | | | Voted expenditure | Charged expenditure | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 83 | Roads and Building Department | REVENUE | 162091000 | 0 | 162091000 |
| 84 | Non-Residential Buildings-(Contd.) | REVENUE | 4642815000 | 8467000 | 4651282000 |
| | | CAPITAL | 9736581000 | 0 | 9736581000 |
| 85 | Residential Buildings | REVENUE | 1347855000 | 500000 | 1348355000 |
| | | CAPITAL | 2185602000 | 0 | 2185602000 |
| 86 | Roads and Bridges | REVENUE | 22809965000 | 31333000 | 22841298000 |
| | | CAPITAL | 25087399000 | 70000000 | 25157399000 |
| 87 | Gujarat Capital Construction Scheme | REVENUE | 109169000 | 0 | 109169000 |
| | | CAPITAL | 2271067000 | 600000 | 2271667000 |
| 88 | Other expenditures pertaining to Roads and Buildings Department (Contd.) | REVENUE | 217584000 | 133333000 | 350917000 |
| | | CAPITAL | 24833000 | 252486000 | 277319000 |
| 89 | Science and Technology Department | REVENUE | 1952315000 | 0 | 1952315000 |
| 90 | Other Expenditure pertaining to Science and Technology Department | REVENUE | 1483300000 | 0 | 1483300000 |
| | | CAPITAL | -2230000 | 0 | -2230000 |
| 91 | Social Justice and Empowerment Department | REVENUE | 78107000 | 0 | 78107000 |
| 92 | Social security and welfare | REVENUE | 13797132000 | 16000000 | 13813132000 |
| | | CAPITAL | 4135427000 | 0 | 4135427000 |
| 93 | Welfare of Scheduled Tribes | REVENUE | 3774141000 | 0 | 3774141000 |
| | | CAPITAL | 287619000 | 0 | 287619000 |
| 94 | Other Expenditure pertaining to Social Justice and Empowerment Department | CAPITAL | 1067000 | 0 | 1067000 |
| 95 | Scheduled Castes Sub-Plan | REVENUE | 31109759000 | 0 | 31109759000 |
| | | CAPITAL | 6188651000 | 0 | 6188651000 |
| 96 | Tribal Area Sub-Plan | REVENUE | 59058440000 | 33333000 | 59091773000 |
| | | CAPITAL | 39844641000 | 6667000 | 39851308000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|----------------------|------------------------|----------------------|
| | | | Voted expenditure | Charged expenditure | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 97 | Sports, Youth and Cultural Activities Department | REVENUE | 47665000 | 0 | 47665000 |
| 98 | Youth services and Cultural Activities | REVENUE | 2907488000 | 0 | 2907488000 |
| | | CAPITAL | 323324000 | 0 | 323324000 |
| 99 | Other expenditure pertaining to Sports, Youth and Cultural Activities Department | CAPITAL | 1401000 | 0 | 1401000 |
| 100 | Urban Development and Urban Housing Department | REVENUE | 39965000 | 0 | 39965000 |
| 101 | Urban Housing | REVENUE | 6632935000 | 1240149000 | 7873084000 |
| 102 | Urban Development | REVENUE | 63786452000 | 0 | 63786452000 |
| | | CAPITAL | 3281767000 | 0 | 3281767000 |
| 103 | Compensation, Assignment and Tax Collection Charges | REVENUE | 1154667000 | 200000000 | 1354667000 |
| 104 | Other Expenditure Pertaining to Urban Development and Urban Housing Department | REVENUE | 3211000 | 0 | 3211000 |
| | | CAPITAL | 67000 | 0 | 67000 |
| 105 | Women and Child Development Department | REVENUE | 72443000 | 0 | 72443000 |
| 106 | Other Expenditure pertaining to Women and Child Development Department | REVENUE | 16141355000 | 5667000 | 16147022000 |
| | | CAPITAL | 351759000 | 0 | 351759000 |
| 107 | Climate Change Department | REVENUE | 7852000 | 0 | 7852000 |
| 108 | Other Expenditure Pertaining to Climate Change Department | REVENUE | 10123861000 | 0 | 10123861000 |
| | Total | REVENUE | 899368270000 | 144984826000 | 1044353096000 |
| | Total | CAPITAL | 250036919000 | 111206126000 | 361243045000 |
| | Grand Total | | 1149405189000 | 256190952000 | 1405596141000 |

STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2020.

The amounts are shown below: - ₹

| | | |
|-----|---------------------|----------------------|
| (a) | Revenue Expenditure | 1044353096000 |
| (b) | Capital Expenditure | 361243045000 |

| | |
|-----------------|----------------------------------|
| Total :- | <hr/> 1405596141000 <hr/> |
|-----------------|----------------------------------|

Dated the 24th July, 2019.

NITIN PATEL.

By Order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 24th July, 2019

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT ELECTRICITY DUTY (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 27 OF 2019.

A BILL

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Seventieth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Electricity Duty
(Amendment) Act, 2019.

Short title and
commencement.

(2) it shall come in to force on the 1st August, 2019.

**Amendment
of Schedule II
to Bom. XL
of 1958.**

- 2.** In the Gujarat Electricity Duty Act, 1958, in Schedule II, in Part-I, in item (4), in column 2, for the figures and words “55 *paise* per unit”, the figures and words “60 *paise* per unit” shall be substituted.

**Bom. XL of
1958.**

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Gujarat Electricity Duty Act, 1958 (Bom. XL of 1958) with a view to revising the rates of electricity duty to give effect to the budget proposal.

Dated the 24th July, 2019.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 24th July, 2019.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary
Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which Was introduced on 24th July, 2019 by Shri Ramanbhai Dhulabhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No. 28 of 2019.

THE GUJARAT PREVENTION OF PEOPLE FROM
ILLEGALLY PULLING OUT WATER FROM THE
GOVERNMENT NETWORK OF WATER SUPPLY BILL, 2019.

A BILL

To prevent people from illegally pulling out water from the network of Government water supply and to enact an effective law against such illegal pulling.

It is hereby enacted in the Seventieth year of the Republic of India as follows:

| | |
|---|---|
| Short title, Extent and Commencement | <p>1. (1) This Act may be called the Gujarat Prevention of people from illegally pulling out water from Government Network of Water Supply Act, 2019.</p> <p>(2) It extends the whole of the State of Gujarat.</p> <p>(3) It shall come into force at once</p> |
| Definitions | <p>2. In this Act, unless the context otherwise requires-</p> <p>(1) 'Canal' includes all canals, channels constructed, maintained or controlled by the Government for the supply and storage of water.</p> <p>(2) 'Water-course' means a channel constructed and maintained at the cost of the Government to supply water from an outlet.</p> <p>(3) 'Field-channel' means any channel or pipe constructed and maintained by the holder of land either by himself or jointly.</p> <p>(4) 'Outlet' means an opening which is constructed by the State Government, for domestic Supply of water to people.</p> <p>(5) 'Collector' means an officer any officer appointed by the State Government to exercise all or any of the powers of a Collector under this Act.</p> <p>(6) 'Owner' includes every person having a joint interest in the ownership of the thing specified.</p> <p>(7) 'Prescribed' means prescribed by rules made under this Act.</p> <p>(8) 'The Land Revenue Code' means the Gujarat Land Revenue Code, 1879.</p> |
| Appointment, Powers and Duties of officer. | <p>3. The State Government may appoint as many officers as it deems fit to be Collector and confer him such powers and duties to carry out the objects of this Act.</p> |
| Power to cut off Water Supply. | <p>4. The officer empowered to prevent illegal Pulling out of water may after due consideration and after giving opportunity of being heard to the affected person cut off water supply.</p> |

5. An officer appointed under section 3 may enter on any land or buildings to remove any obstruction or close any channel for the purpose of preventing people from illegally pulling out water from the Government Network of Water Supply and do all other things necessary for the prosecution against such person. **Power to enter buildings.**
6. If water supplied through a field channel or for the domestic use be suffered to run to waste, and if, after inquiry, the person through whose act or neglect such water was suffered to run to waste is not found the person or all the persons chargeable in respect of the water supplied shall be liable, or jointly liable as the case may be for the charges which shall be made in respect of the water so wasted under the rules prescribed by the State Government. **Liability When Water runs to waste.**
7. Any person who found guilty of illegally pulling out water from the Government network of water supply shall be punished with simple imprisonment for a period of one year which may extend to six months or with fine not exceeding ten thousand rupees or with both. **Power to Punish.**
8. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or employee of the State Government in respect of anything done in good-faith or intended to be done in pursuance of the Act any rules or orders made thereunder. **Protection of acts done in Good faith.**
9. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. **Power to make rules.**
- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to such rescission or modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

Dated the 1st July, 2019
GANDHINAGAR.

RAMANBHAI DHULABHAI PATEL
M.L.A.

STATEMENT OF OBJECTS AND REASONS

for the effective supply of drinking water as well as water for farming and maintenance of canals, Water works and supply of water therefrom is done by the Government. However, there is no effective law to prevent people from illegally pulling out water from the network of water supply which is made by canal network or water supply scheme. Therefore, it is necessary to enact a law for this purpose of preventing people from illegally pulling out water from the Government network of water supply.

This Bill seeks to achieve the aforesaid object.

Dated the 1st July, 2019

RAMANBHAI DHULABHAI PATEL

GANDHINAGAR.

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause-9 of the Bill empowers the State Government to make rules for carrying out the purposes of this Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

Dated the 1st July, 2019

RAMANBHAI DHULABHAI PATEL

GANDHINAGAR.

M.L.A.

Gandhinagar.

Dated the 24th July, 2019

D. M. PATEL

Secretary,

Gujarat Legislative Assembly



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent to the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

The Following Bill Which Was introduced on the 24th July, 2019 by Shri Arvindbhai Gandhal Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Bill to be introduced, not to be published before introduction.

Gujarat Bill No.29 of 2019.

THE GUJARAT WATER POLLUTION (PREVENTION AND PURIFICATION OF RIVERS) BILL, 2019.

A BILL

to provide for the control, regulation, maintenance and restoration and Wholesomeness of river water with a view to purification of rivers in the State of Gujarat and matters connected therewith.

Whereas, the level and intensity of Water Pollution in the rivers has reached at a level which is hazardous to Human consumption looking to the health and safety of the people.

And whereas, the river water is contaminated with microbes and laced with all sorts of chemicals.

And whereas, ecologists are of the view that the ill effects of the Water pollution in the rivers is at the alarming level and unless checked may lead to irreparable loss to human life.

And whereas, it is considered at most important to start purification of rivers and focus on water conservation and prevent polluting out water resources by throwing untreated waste and harmful chemicals from factories into rivers.

And whereas, it is considered necessary to take appropriate measures for the same.

It is hereby enacted in the Seventieth Year of Republic of India as follows: -

- | | | |
|--|-----------|--|
| Short title, extent and commencement. | 1. | <p>(1) This Act may be called the Gujarat Prevention of water pollution and Purification of Rivers Act, 2019.</p> <p>(2) It shall extend to the whole of the State of Gujarat.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.</p> |
| Definitions. | 2. | <p>(a) "Authority" means State Mission for Clean Rivers Authority appointed under Section 3.</p> <p>(b) "Polluted Water" mean water not useful for the purpose of human consumption in context of the required purity by Physical, Chemical or biological properties of water or having discharge of any sewage or trade effluent or gaseous or solid substance into water injurious to public health.</p> |
| Establishment of Authority. | 3. | <p>(1) The State Government shall establish an Authority namely, State Mission for Clean Rivers Authority.</p> <p>(2) The Authority shall consist of the following members.</p> <p style="padding-left: 20px;">(a) Minister for water resources – Chairman</p> |

- (b) Adviser to State Government on water management – Member
- (c) Secretary, Water resources department – Member.
- (d) Member Secretary, Gujarat Water Pollution Control Board – Ex. Officio Member.

4. (1) The Authority shall prescribe standards for regulations regarding permissible level of Purity of water for human consumption and carry out all activities necessary for protection of rivers in the State with a aim of ensuring water quality and environmentally sustainable development.
- (2) In case where the Authority is of the opinion that with respect to any river water resources the permissible level of purity is decreased it shall issue directions to concerned person to comply with such measures required to restore permissible level.
- (3) The Authority shall direct the local Authority such as Panchayats, Municipalities or Corporation to see that all necessary steps are taken to maintain purity of river water and for water conservation and also to prevent polluting river water sources by throwing untreated waste and harmful chemicals from the factories into rivers.
- (4) The Authority shall take measures to educate and aware people on the importance of purification of rivers.
- (5) The Local authority shall be bound by the direction issued by the Authority under sub-section (3) above.
- (6) The Authority shall prescribe standard of purity of water by framing regulations in that regard.

**Authority to
regulate purity of
river water.**

5. Every offence under this Act shall be cognizable and bailable for a minimum sum of rupees twenty thousand. All prosecutions under this Act shall be triable by the Metropolitan Magistrate Court.

**Cognizance of
offence.**

6.

**Power to
make
regulations.**

7.

Dated the 1st July, 2019. ARVINDBHAI GANDALAL PATEL
GANDHINAGAR. M.L.A.

M.L.A.

STATEMENT OF OBJECTS AND REASONS

Availability of purified drinking water is right of every citizen and for that purpose it is necessary to regulate the river waters from purification of river point of view.

The magnitude of unwanted elements in the river water increases day by day which leads to pollution in water and hence such water is hazardous to the health of people. Sources of pollution in the river water includes industrial waste and contemplated water by chemical industries. Throwing of polluted water in the river also alters the chemical properties of water.

Every drop of water is source of life. It is high time we realise that water resources is not permanent. Soon, we as a family, society and Nation will be struggling to get clean potable water. We have to focus on water conservation and stop polluting our rivers.

At present there is no adequate power to regulate the purification of rivers. It is also equally necessary to educate people and bring awareness on this issue by organizing programme through mass media.

For the purpose of river purification, the State Government has initiated programme for cleanliness of rivers and have also made all efforts to implement the instructions of National Green Tribunal.

However, with a view to provide comprehensive law on the purification of rivers it is proposed to enact this Act.

Hence, this Bill.

Dated the 1st July, 2019. ARVINDBHAI GANDALAL PATEL
GANDHINAGAR. M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respect: -

Clause 3 of the Bill empowers the authority to frame regulations for maintenance of standard of purity of water.

Clause 7 of the Bill empowers the authority to frame regulations for carrying out the purposes of the Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 1st July, 2019. ARVINDBHAI GANDALAL PATEL
GANDHINAGAR. M.L.A.

Gandhinagar.
Dated the 24th July, 2019

D.M.PATEL
Secretary,
Gujarat Legislative Assembly



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT STATE HIGHER EDUCATION COUNCIL (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 30 OF 2019.

A BILL

further to amend the Gujarat State Higher Education Council Act, 2016.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat State Higher Education Council (Amendment) Act, 2019.

**Short title and
commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
section 4 of
Guj. 1 of 2017.**

2. In the Gujarat State Higher Education Council Act, 2016 **Guj. 1
of 2017.**
(hereinafter referred to as “the principal Act”), in section 4,-

(i) in sub-section (1), under the heading “B. Other Members”, for clause (vi), the following clause shall be substituted, namely:-

“(vi) the Additional Chief Secretary/Principal Secretary or, as the case may be, the Secretary to the Government of Gujarat, Higher and Technical Education shall be the Member-Secretary of the Council.”;

(ii) in the marginal note, the word “Governing” shall be deleted.

**Amendment of
section 11 of
Guj. 1 of 2017.**

3. In the principal Act, in section 11, the portion beginning with words “The Executive Committee” and ending with the words “who have completed more than ten year of service” shall be numbered as sub-section (1) of that section and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:-

“(1A) The Commissioner of Higher Education, Gujarat State shall be the Member-Secretary of the Executive Committee.”.

**Amendment of
section 12 of
Guj. 1 of 2017.**

4. In the Principal Act, in section 12,-

(1) proviso to clause (i) shall be deleted;

(2) clauses (ix) and (x) shall be deleted.

STATEMENT OF OBJECTS AND REASONS

Under the Gujarat State Higher Education Council Act, 2016 two tier system has been introduced, namely the Higher Educational Council and the Executive Committee for the purposes of the Act. It is however, felt that for smooth administration and the functioning of the meetings of the said Council and the Committee, there shall be the officers of the Government as the Member-Secretaries thereof. It is therefore, considered necessary to amend the provisions of sections 4, 11 and 12 of the said Act of 2016.

This Bill seeks to amend the said Act of 2016 to achieve the aforesaid objects.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of Legislative power as aforesaid is necessary and is of a normal character.

Dated the 28th November, 2019. **BHUPENDRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar.

K. M. LALA

Dated the 28th November, 2019.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

Government Central Press, Gandhinagar.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT GOODS AND SERVICES TAX (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 31 OF 2019.

A BILL

further to amend the Gujarat Goods and Services Tax Act, 2017.

It is hereby enacted in the Seventieth Year of the Republic of India
as follows:—

- | | |
|---|---|
| <p>1. (1) This Act may be called the Gujarat Goods and Services Tax (Amendment) Act, 2019.</p> <p>(2) It shall come into force on such date as the State Government may, by notification in the <i>Official Gazette</i>, appoint.</p> | <p>Short title and commencement.</p> |
|---|---|

Amendment
of section 2 of
Guj. 25 of
2017.

2. In the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred as “the principal Act”), in section 2, in clause (4), after the words “the Appellate Authority for Advance Ruling,”, the words “the National Appellate Authority for Advance Ruling,” shall be inserted.

Guj. 25 of
2017.

Amendment
of section 10
of Guj. 25 of
2017.

3. In the principal Act, in section 10,-
- (a) in sub-section (1), after the second proviso, the following Explanation shall be inserted, namely:—
- “*Explanation.*— For the purposes of second proviso, the value of exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount shall not be taken into account for determining the value of turnover in the State.”;
- (b) in sub-section (2),—
- (i) in clause (d), the word “and” occurring at the end shall be omitted;
- (ii) in clause (e), for the word “Council:”, the words “Council; and” shall be substituted;
- (iii) after clause (e), the following clause shall be inserted, namely:—
- “(f) he is neither a casual taxable person nor a non-resident taxable person.”;
- (c) after sub-section (2), the following sub-section shall be added, namely:—
- “(2A) Notwithstanding anything to the contrary contained in this Act, but subject to the provisions of sub-sections (3) and (4) of section 9, a registered person, not eligible to opt to pay tax under sub-section (1) and sub-section (2), whose aggregate turnover in the preceding financial year did not exceed fifty lakh rupees, may opt

to pay, in lieu of the tax payable by him under sub-section (1) of section 9, an amount of tax calculated at such rate as may be prescribed, but not exceeding three per cent. of the turnover in the State, if he is not—

- (a) engaged in making any supply of goods or services which are not leviable to tax under this Act;
- (b) engaged in making any inter-State outward supplies of goods or services;
- (c) engaged in making any supply of goods or services through an electronic commerce operator who is required to collect tax at source under section 52;
- (d) a manufacturer of such goods or supplier of such services as may be notified by the Government on the recommendations of the Council; and
- (e) a casual taxable person or a non-resident taxable person:

Provided that where more than one registered person are having the same Permanent Account Number issued under the Income-tax Act, 1961, the registered persons shall not be eligible to opt for the scheme under this sub-section unless all such registered persons opt to pay tax under this sub-section.”;

- (d) in sub-section (3), after the words, brackets and figure “under sub-section (1)” at both the places where they occur, the words, brackets, figure and letter “or sub-section (2A), as the case may be,” shall be inserted;
- (e) in sub-section (4), after the words, brackets and figure “of sub-section (1)”, the words, brackets, figure and letter “or, as the case may be, sub-section (2A)” shall be inserted;
- (f) in sub-section (5), after the words, brackets and figure “under sub-section (1)”, the words, brackets, figure and letter “or sub-section (2A), as the case may be,” shall be inserted;

- (g) after sub-section (5), the following Explanations shall be inserted, namely:—

*“Explanation 1.—*For the purposes of computing aggregate turnover of a person for determining his eligibility to pay tax under this section, the expression “aggregate turnover” shall include the value of supplies made by such person from the 1st day of April of a financial year up to the date when he becomes liable for registration under this Act, but shall not include the value of exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.

*Explanation 2.—*For the purposes of determining the tax payable by a person under this section, the expression “turnover in the State” shall not include the value of following supplies, namely:—

- (i) supplies from the first day of April of a financial year up to the date when such person becomes liable for registration under this Act; and
- (ii) exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.’.

**Amendment
of section 22
of Guj. 25 of
2017.**

4. In the principal Act, in section 22, in sub-section (1), after the second proviso, the following shall be inserted, namely:—

“Provided also that the Government may, on the recommendations of the Council, enhance the aggregate turnover from twenty lakh rupees to such amount not exceeding forty lakh rupees in case of supplier who is engaged exclusively in the supply of goods, subject to such conditions and limitations, as may be notified.

Explanation.— For the purposes of this sub-section, a person shall be considered to be engaged exclusively in the supply of goods even if he is engaged in exempt supply of services provided by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount.”.

5. In the principal Act, in section 25, after sub-section (6), the following sub-sections shall be inserted, namely:—

**Amendment
of section 25
of Guj. 25 of
2017.**

“(6A) Every registered person shall undergo authentication, or furnish proof of possession of Aadhaar number, in such form and manner and within such time as may be prescribed:

Provided that if an Aadhaar number is not assigned to the registered person, such person shall be offered alternate and viable means of identification in such manner as Government may, on the recommendations of the Council, prescribe:

Provided further that in case of failure to undergo authentication or furnish proof of possession of Aadhaar number or furnish alternate and viable means of identification, registration allotted to such person shall be deemed to be invalid and the other provisions of this Act shall apply as if such person does not have a registration.

- (6B) On and from the date of notification, every individual shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number, in such manner as the Government may, on the recommendations of the Council, specify in the said notification:

Provided that if an Aadhaar number is not assigned to an individual, such individual shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, specify in the said notification.

- (6C) On and from the date of notification, every person, other than an individual, shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number of the Karta, Managing Director, whole time Director, such number of partners, Members of Managing Committee of Association, Board of Trustees, authorised representative, authorised signatory and such other class of persons, in such manner, as the Government may, on the recommendations of the Council, specify in the said notification:

Provided that where such person or class of persons have not been assigned the Aadhaar Number, such person or class of persons shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, specify in the said notification.

- (6D) The provisions of sub-section (6A) or sub-section (6B) or sub-section (6C) shall not apply to such person or class of persons or part of the State, as the Government may, on the recommendations of the Council, specify by notification.

Explanation.—For the purposes of this section, the expression “Aadhaar number” shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.”.

6. In the principal Act, after section 31, the following new section shall be inserted, namely:—

Insertion of new section 31A in Guj. 25 of 2017.

Facility of digital payment to recipient.

“31A. The Government may, on the recommendations of the Council, prescribe a class of registered persons who shall provide prescribed modes of electronic payment to the recipient of supply of goods or services or both made by him and give option to such recipient to make payment accordingly, in such manner and subject to such conditions and restrictions, as may be prescribed.”.

7. In the principal Act, in section 39,-

Amendment of section 39 of Guj. 25 of 2017.

- (a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10 or section 51 or section 52 shall, for every calendar month or part thereof, furnish, a return, electronically, of inward and outward supplies of goods or services or both, input tax credit availed, tax payable, tax paid and such other particulars, in such form and manner, and within such time, as may be prescribed:

Provided that the Government may, on the recommendations of the Council, notify certain class of registered persons who shall furnish a return for every quarter or part thereof, subject to such conditions and restrictions as may be specified therein.

- (2) A registered person paying tax under the provisions of section 10, shall, for each financial year or part thereof, furnish a return, electronically, of turnover in the State, inward supplies of goods or services or both, tax payable,

tax paid and such other particulars in such form and manner, and within such time, as may be prescribed.”;

- (b) for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) Every registered person who is required to furnish a return under sub-section (1), other than the person referred to in the proviso thereto, or sub-section (3) or sub-section (5), shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return:

Provided that every registered person furnishing return under the proviso to sub-section (1) shall pay to the Government, the tax due taking into account inward and outward supplies of goods or services or both, input tax credit availed, tax payable and such other particulars during a month, in such form and manner, and within such time, as may be prescribed:

Provided further that every registered person furnishing return under sub-section (2) shall pay to the Government, the tax due taking into account turnover in the State, inward supplies of goods or services or both, tax payable, and such other particulars during a quarter, in such form and manner, and within such time, as may be prescribed.”.

**Amendment
of section 44
of Guj. 25 of
2017.**

- 8.** In the principal Act, in section 44, in sub-section (1), the following provisos shall be inserted, namely:—

"Provided that the Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the annual return for such class of registered persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner."

9. In the principal Act, in section 49, after sub-section (9), the following sub-sections shall be inserted, namely:—

**Amendment
of section 49
of Guj. 25 of
2017.**

- “(10) A registered person may, on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger under this Act, to the electronic cash ledger for integrated tax, Central tax, State tax or cess, in such form and manner and subject to such conditions and restrictions as may be prescribed and such transfer shall be deemed to be a refund from the electronic cash ledger under this Act.
- (11) Where any amount has been transferred to the electronic cash ledger under this Act, the same shall be deemed to be deposited in the said ledger as provided in sub-section (1).”.

10. In the principal Act, in section 50, in sub-section (1), the following proviso shall be inserted, namely:—

**Amendment
of section 50
of Guj. 25 of
2017.**

“Provided that the interest on tax payable in respect of supplies made during a tax period and declared in the return for the said period furnished after the due date in accordance with the provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period, shall be levied on that portion of the tax that is paid by debiting the electronic cash ledger.”.

**Amendment
of section 52
of Guj. 25 of
2017.**

- 11.** In the principal Act, in section 52,-
- (a) in sub-section (4), the following provisos shall be inserted, namely:—
- "Provided that the Commissioner may, for reasons to be recorded in writing, by notification, extend the time limit for furnishing the statement for such class of registered persons as may be specified therein:
- Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner.";
- (b) in sub-section (5), the following provisos shall be inserted, namely:—
- "Provided that the Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the annual statement for such class of registered persons as may be specified therein:
- Provided further that any extension of time limit notified by the Commissioner of Central tax shall be deemed to be notified by the Commissioner.".

**Insertion of
new section
53A in Guj.
25 of 2017.**

- 12.** In the principal Act, after section 53, the following new section shall be inserted, namely:—

**Transfer
of certain
amounts.**

- "53A.** Where any amount has been transferred from the electronic cash ledger under this Act to the electronic cash ledger under the Central Goods and Services Tax Act, 2017 or under the Integrated Goods and Services Tax Act, 2017 or under the Goods and Services Tax (Compensation to States) Act, 2017, the Government shall, transfer to the central tax account or integrated tax account or cess account, an amount equal to the amount transferred from the electronic cash ledger, in such manner and within such time as may be prescribed.".

12 of 2017.

13 of 2017.

15 of 2017.

13. In the principal Act, in section 54, after sub-section (8), the following sub-section shall be inserted, namely:—
- Amendment of section 54 of Guj. 25 of 2017.**

"(8A) Where the Central Government has disbursed the refund of State tax, the Government shall transfer an amount equal to the amount so refunded, to the Central Government."

14. In the principal Act, in section 95,—
- Amendment of section 95 of Guj. 25 of 2017.**
- (i) in clause (a),—
- (a) after the words "Appellate Authority", the words "or the National Appellate Authority" shall be inserted;
- (b) after the words and figures "of section 100", the words, figures and letter "or of section 101C" shall be inserted;
- (ii) after clause (e), the following clause shall be added, namely:—
- ‘(f) “National Appellate Authority” means the National Appellate Authority for Advance Ruling referred to in section 101A.’.

15. In the principal Act, after section 101, the following new sections shall be inserted, namely:—
- Insertion of new sections 101A, 101B and 101C in Guj. 25 of 2017.**

National Appellate Authority for Advance Ruling under Central Goods and Service Tax Act, shall be Appellate Authority under this Act.

- "101A. Subject to the provisions of this Chapter, for the purposes of this Act, the National Appellate Authority for Advance Ruling constituted under section 101A of the Central Goods and Services Tax Act, 2017 shall be deemed to be the National Appellate Authority for Advance Ruling under this Act."
- 12 of 2017.

Appeal to National Appellate Authority.

- 101B. (1) Where, in respect of the questions referred to in sub-section (2) of section 97, conflicting Advance

Rulings are given by the Appellate Authorities of two or more States or Union territories or both under sub-section (1) or sub-section (3) of section 101, any officer authorised by the Commissioner or an applicant, being distinct person referred to in section 25 aggrieved by such Advance Ruling, may prefer an appeal to National Appellate Authority:

Provided that the officer shall be from the States in which such Advance Rulings have been given.

- (2) Every appeal under this section shall be filed within a period of thirty days from the date on which the ruling sought to be appealed against is communicated to the applicants, concerned officers and jurisdictional officers:

Provided that the officer authorised by the Commissioner may file appeal within a period of ninety days from the date on which the ruling sought to be appealed against is communicated to the concerned officer or the jurisdictional officer:

Provided further that the National Appellate Authority may, if it is satisfied that the appellant was prevented by a sufficient cause from presenting the appeal within the said period of thirty days, or as the case may be, ninety days, allow such appeal to be presented within a further period not exceeding thirty days.

Explanation.—For removal of doubts, it is clarified that the period of thirty days or as the case may be, ninety days shall be counted from the date of communication of the last of the conflicting rulings sought to be appealed against.

- (3) Every appeal under this section shall be in such form, accompanied by such fee and verified in such manner as may be prescribed.

**Order of
National
Appellate
Authority.**

- 101C.** (1) The National Appellate Authority may, after giving an opportunity of being heard to the applicant, the officer authorised by the Commissioner, all Principal Chief Commissioners, Chief Commissioners of Central tax and Chief Commissioner and Commissioner of State tax of all States and Chief Commissioner and Commissioner of Union territory tax of all Union territories, pass such order as it thinks fit, confirming or modifying the rulings appealed against.
- (2) If the members of the National Appellate Authority differ in opinion on any point, it shall be decided according to the opinion of the majority.
- (3) The order referred to in sub-section (1) shall be passed as far as possible within a period of ninety days from the date of filing of the appeal under section 101B.
- (4) A copy of the Advance Ruling pronounced by the National Appellate Authority shall be duly signed by the Members and certified in such manner as may be prescribed and shall be sent to the applicant, the officer authorised by the Commissioner, the Board, the Chief Commissioner and Commissioner of State tax of all States and Chief Commissioner and Commissioner of Union territory tax of all Union territories and to the Authority or Appellate Authority, as the case may be, after such pronouncement.”.

16. In the principal Act, in section 102,—

- (a) after the words “Appellate Authority”, at both the places where they occur, the words “or the National Appellate Authority” shall be inserted;

**Amendment
of section
102 of Guj.
25 of 2017.**

- (b) after the words and figures “or section 101”, the words, figures and letter “or section 101C, respectively,” shall be inserted;
- (c) for the words “or the appellant”, the words “,appellant, the Authority or the Appellate Authority” shall be substituted.

**Amendment
of section
103 of Guj.
25 of 2017.**

- 17.** In the principal Act, in section 103,-
- (i) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) The Advance Ruling pronounced by the National Appellate Authority under this Chapter shall be binding on—

- (a) the applicants, being distinct persons, who had sought the ruling under sub-section (1) of section 101B and all registered persons having the same Permanent Account Number issued under the Income-tax Act, **43 of 1961.**
- (b) the concerned officers and the jurisdictional officers in respect of the applicants referred to in clause (a) and the registered persons having the same Permanent Account Number issued under the Income-tax Act, 1961.”; **43 of 1961.**

- (ii) in sub-section (2), after the words, brackets and figure “in sub-section (1)”, the words, brackets, figure and letter “and sub-section (1A)” shall be inserted.

**Amendment
of section
104 of Guj.
25 of 2017.**

- 18.** In the principal Act, in section 104, in sub-section (1),-
- (a) after the words “Authority or the Appellate Authority”, the words “or the National Appellate Authority” shall be inserted;

- (b) after the words and figures “of section 101”, the words, figures and letter “or under section 101C” shall be inserted.

19. In the principal Act, in section 105,-

**Amendment
of section
105 of Guj.
25 of 2017.**

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—
“Powers of Authority, Appellate Authority and National Appellate Authority.”;
- (b) in sub-section (1), after the words “Appellate Authority”, the words “or the National Appellate Authority” shall be inserted;
- (c) in sub-section (2), after the words “Appellate Authority”, at the both places where they occur, the words “or the National Appellate Authority” shall be inserted.

20. In the principal Act, in section 106,-

**Amendment
of section
106 of Guj.
25 of 2017.**

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—
“Procedure of Authority, Appellate Authority and National Appellate Authority.”;
- (b) after the words “Appellate Authority”, the words “or the National Appellate Authority” shall be inserted.

21. In the principal Act, in section 171, after sub-section (3), the following shall be added, namely:—

**Amendment
of section
171 of Guj.
25 of 2017.**

- “(3A) Where the Authority referred to in sub-section (2), after holding examination as required under the said sub-section comes to the conclusion that any registered person has profiteered under sub-section (1), such person shall be liable to pay penalty equivalent to ten per cent. of the amount so profiteered:

Provided that no penalty shall be leviable if the profiteered amount is deposited within thirty days of the date of passing of the order by the Authority.

Explanation.—For the purposes of this section, the expression “profiteered” shall mean the amount determined on account of not passing the benefit of reduction in rate of tax on supply of goods or services or both or the benefit of input tax credit to the recipient by way of commensurate reduction in the price of the goods or services or both.”.

Amendment
of notification
number
2/2017-State
Tax (Rate)
issued under
sub- section
(1) of
section 11 of
Gujarat
Goods and
Services Tax
Act.
retrospectivel

22. (1) In the Government Notification, Finance Department No.(GHN-36)GST-2017/S.11(1)(1) -TH dated the 30th June, 2017, Notification No. 2/2017-State Tax (Rate), issued by the Government of Gujarat, on the recommendations of the Council, under sub-section (1) of section 11 of the Gujarat Goods and Services Tax Act, 2017, in the Schedule, S.No.103A shall deemed to have been inserted retrospectively with effect from the 1st day of July, 2017, namely:—

Guj. 25 of 2017.

| (1) | (2) | (3) |
|-------|-----|---------------------------|
| “103A | 26 | Uranium Ore Concentrate”. |

- (2) For the purposes of sub-section (1), the Gujarat Government shall have and shall be deemed to have the power to amend the notification referred to in sub-section (1) with retrospective effect as if the Gujarat Government had the power to amend the said notification under sub-section (1) of section 11 of the said Act, retrospectively, at all material times.
- (3) No refund shall be made of all such tax which has been collected, but which would not have been so collected, if the notification referred to in sub-section (1) had been in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Goods and Services Tax Act, 2017 (the Act) was enacted with a view to making a provision for levy and collection of tax and inter-State supply of goods or services or both by the Government.

The Act provides for certain provisions for smooth transition of existing tax payers to new goods and services tax regime. However, the new tax regime had faced certain difficulties, especially regarding threshold limit for registration, benefit of composition scheme to service sector and filing of returns and payment of tax under the Goods and Services Tax laws. In this regard, increase in threshold limit for registration to forty lakhs, alternative composition scheme for supplier of services the processed new return filing system, envisages quarterly filing of return and tax payment for small taxpayers along with minimum paperwork. In order to implement the above helpful action and also overcome to above difficulties, it is proposed to amend the Gujarat Goods and Services Tax Act, 2017.

The proposed Bill provides for the following, namely:-

- (i) to amend the section 2 of the Act to exclude the National Appellate Authority for Advance Ruling from the definition of adjudication authority.
- (ii) to amend section 10 of the Act to provide alternative composition scheme for supplier of services or mixed suppliers (not eligible for the earlier composition scheme) having an annual turnover in preceding financial year upto rupees fifty lakhs.
- (iii) to amend section 22 of the Act to provide for higher threshold exemption limit from rupees twenty lakhs to such amount not exceeding rupees forty lakhs in case of supplier who is engaged exclusively in the supply of goods.

- (iv) to insert a new section 31A in the Act, to provide that supplier shall mandatorily offer facility for digital payments to his recipient.
- (v) to amend section 49 of the Act to provide facility to the taxpayer to transfer an amount from one head to another in the electronic cash ledger.
- (vi) to insert a new section 53A in the Act to provide for transfer of amount in the electronic cash ledger between the Centre and States as a consequence of the new facility given to the tax payer under section 49.
- (vii) to amend section 54 of the Act, the Government of Gujarat shall transfer an amount equal to the amount to the Central Government of refund disbursed by the Central Government.
- (viii) to insert new sections 101A, 101B and 101C in the Act to provide for constitution of the National Appellate Authority for Advance Ruling under Central Goods and Services Tax Act which shall be Appellate Authority for this Act also, procedure to be followed and appeals to be disposed within a period of ninety days. It also provides that where the members differ on any point, it shall be decided by majority.
- (ix) to amend section 171 of the Act to insert new sub-section (2A) to empower the Authority specified under sub-section (2) thereof to impose penalty equivalent to ten per cent. of the profiteered amount.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill.

Clause 1.- This clause provides for the Short title and Commencement.

Clause 2.- This clause seeks to amend clause (4) of section 2 of the Gujarat Goods and Services Tax Act to insert the words “the National Appellate Authority for Advance Ruling” in the definition of “adjudicating authority” so as to exclude that authority from the definition of adjudicating authority.

Clause 3.- This clause seeks to amend section 10 of the Gujarat Goods and Services Tax Act so as to provide alternative composition scheme for supplier of services or mixed suppliers (not eligible for the earlier composition scheme) having an annual turnover in preceding financial year upto rupees fifty lakhs.

Clause 4.- This clause seeks to amend section 22 of the Gujarat Goods and Services Tax Act so as to provide for higher threshold exemption limit from rupees twenty lakhs to such amount not exceeding rupees forty lakhs in case of supplier who is engaged exclusively in the supply of goods.

Clause 5.- This clause seeks to amend section 25 of the Gujarat Goods and Services Tax Act so as to provide for mandatory Aadhaar submission or authentication for persons who intend to take or have taken registration under the said Act in such manner as may be notified by the Government on the recommendations of the Council.

- Clause 6.-** This clause seeks to insert a new section 31A in the Gujarat Goods and Services Tax Act, to provide that supplier shall mandatorily offer facility for digital payments to his recipient.
- Clause 7.-** This clause seeks to amend section 39 of the Gujarat Goods and Services Tax Act so as to provide for furnishing of annual returns and for quarterly payment of tax by taxpayer who opts for composition levy and to provide for certain other category of tax payers, an option for quarterly and monthly payments under the proposed new return filing system.
- Clause 8.-** This clause seeks to amend section 44 of the Gujarat Goods and Services Tax Act so as to empower the Commissioner of State Tax to extend the due date for furnishing Annual return and reconciliation statement.
- Clause 9.-** This clause seeks to amend section 49 of the Gujarat Goods and Services Tax Act so as to provide facility to the taxpayer to transfer an amount from one head to another in the electronic cash ledger.
- Clause 10.-** This clause seeks to amend section 50 of the Gujarat Goods and Services Tax Act so as to provide for charging interest only on the net cash tax liability, except in those cases where tax is paid subsequent to initiation of any proceedings under section 73 or 74 of the Act.
- Clause 11.-** This clause seeks to amend section 52 of the Gujarat Goods and Services Tax Act so as to empower the Commissioner of State Tax to extend the due date for furnishing of monthly and annual statement by the person collecting tax at source.

Clause 12.- This clause seeks to insert a new section 53A in the Gujarat Goods and Services Tax Act so as to provide for transfer of amount in the electronic cash ledger between the Centre and States as a consequence of the new facility given to the tax payer under section 49.

Clause 13.- This clause seeks to amend section 54 of the Gujarat Goods and Services Tax Act, the Government of Gujarat shall transfer to the Central Government an amount equal to the amount of refund disbursed by the Central Government.

Clause 14.- This clause seeks to amend clause (a) of section 95 of the Gujarat Goods and Services Tax Act so as to include "the National Appellate Authority for Advance Ruling" in the definition of "advance ruling". It also seeks to insert clause (f) in section 95 of the Gujarat Goods and Services Tax Act to define "National Appellate Authority".

Clause 15.- This clause seeks to insert new sections 101A, 101B and 101C in the Gujarat Goods and Services Tax Act.

The proposed new section 101A seeks to provide for constitution of the National Appellate Authority for Advance Ruling under Central Goods and Services Tax Act which shall be Appellate Authority for this Act also.

The proposed new section 101B seeks to provide for filing of appeals and the procedure to be followed for hearing appeals against conflicting advance rulings pronounced on the same question by the Appellate Authorities of two or more States or Union territories or both under sub-section (1) of section 101 or sub-section (3) of section 101 of the Act.

The proposed new section 101C seeks to provide that the National Appellate Authority shall pass order within a period of ninety days from the date of filing of the appeal. It also provides that where the members differ on any point, it shall be decided by majority.

Clause 16.- This clause seeks to amend section 102 of the Gujarat Goods and Services Tax Act so as to bring the National Appellate Authority within the ambit of that section to empower it to rectify its advance ruling.

Clause 17.- This clause seeks to amend section 103 of the Gujarat Goods and Services Tax Act so as to provide that the advance ruling pronounced by the National Appellate Authority shall be binding on the applicants, being distinct persons and all registered persons having the same Permanent Account Number and on the concerned officers or the jurisdictional officers in respect of the said applicants and the registered persons having the same Permanent Account Number. It also provides that the ruling shall be binding unless there is a change in law or facts.

Clause 18.- This clause seeks to amend section 104 of the Gujarat Goods and Services Tax Act to provide that advance ruling pronounced by the National Appellate Authority shall be void where the ruling has been obtained by fraud or suppression of material facts or misrepresentation of facts.

- Clause 19.-** This clause seeks to amend section 105 of the Gujarat Goods and Services Tax Act to provide that the National Appellate Authority shall have all the powers of a civil court under the Code of Civil Procedure, 1908 for the purpose of exercising its powers under the Act.
- Clause 20.-** This clause seeks to amend section 106 of the Gujarat Goods and Services Tax Act to provide that the National Appellate Authority shall have power to regulate its own procedure.
- Clause 21.-** This clause seeks to amend section 171 of the Gujarat Goods and Services Tax Act to insert new sub-section (2A) therein so as to empower the Authority specified under sub-section (2) thereof to impose penalty equivalent to ten per cent. of the profiteered amount.
- Clause 22.-** This clause seeks to amend in the Government Notification, Finance Department No.(GHN-36)GST-2017/S.11(1)(1) -TH dated the 30th June, 2017, Notification No. 2/2017-State Tax (Rate), issued under sub-section (1) of section 11 of the Gujarat Goods and Services Tax Act, 2017, so as to give retrospective exemption to "Uranium Ore Concentrate" from the levy of State tax from 1st July, 2017 to 14th November, 2017.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3.- Sub-section (2A) of section 10 proposed to be inserted by this clause empowers the State Government on the recommendations of the Council to prescribe the rate not exceeding three per cent. of the turnover for the purpose of calculating the amount of tax.

Clause 4.- Proviso to sub-section (1) of section 22 proposed to be inserted by this clause empowers the State Government, on the recommendations of the Council, by notification to enhance the aggregate turnover from twenty lakh rupees to a higher amount not exceeding forty lakh rupees in case of supplier who is engaged exclusively in the supply of goods and subject to certain conditions and limitations as may be specified in the Act.

Clause 5.- Sub-sections (6A), (6B), (6C) and (6D) of section 25 proposed to be inserted by this clause empowers the Government to make rules on the recommendations of the Council to provide for the form and manner and the time within which a registered person shall undergo authentication or furnish proof of possession of Aadhaar number and in case such person is not assigned Aadhaar number, then the manner in which an alternate and viable means of identification may be offered to such person as may be specified in the notification.

Clause 6.- Section 31A proposed to be inserted by this clause empowers the State Government on the recommendations of the Council to make rules to provide for a class of registered person who shall provide prescribe mode of electronic payment to the recipient of the supply of goods or services or both and give option to the recipient to make payment in such mode, in the manner and subject to the conditions and restrictions as may be provided in such rules.

Clause 7.- Sub-sections (1), (2) and (7) of section 39 proposed to be substituted by this clause to provide for a new return system and empowers the State Government to make rules regarding the particulars to be furnished in the return, the such form, in such manner and time within which the return may be filed.

Clause 9.- Sub-sections (10) and (11) of section 49 proposed to be inserted by this clause empowers the State Government to prescribed by rules to provide for the Form, manner, conditions and restrictions for a registered person to transfer on the common portal any amount of tax, interest, penalty, fee or any amount available in the electronic cash ledger under this Act to the electronic cash ledger for integrated tax, Central tax, State tax.

Clause 12.- New section 53A proposed to be inserted by this clause empowers the State Government to prescribe by rules to transfer to the Central tax account an amount equal to the amount transferred from the electronic cash ledger in such manner and within the time provided by the rules.

Clause 15.- (1) Sub-section (3) of new section 101B proposed to be inserted by this clause empowers the State Government to prescribed by rules, the Form in which, the fees alongwith which and the manner of verification in which the appeal shall be made;

(2) sub-section (4) of new section 101C proposed to be inserted by this clause empowers the State Government to prescribed by rules to certify in such manner a copy of the advance ruling pronounced by the Members of the National Appellate Authority.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 28th November, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

K. M. LALA,

Dated the 28th November, 2019.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.

Government Central Press, Gandhinagar



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LAND REVENUE (THIRD AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 32 OF 2019.

further to amend the Gujarat Land Revenue Code, 1879.

It is hereby enacted in the Seventieth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Land Revenue (Third Amendment) Act, 2019.

**Short title and
commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section
125L of Bom.
V of 1879.**

- 2.** In the Gujarat Land Revenue Code, 1879, in section 125L, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

**Bom. V
of 1879.**

“(1) On receipt of supplemental revenue settlement fee from the claimant, the authorized revenue officer shall issue a certificate of claim reflecting the sum of compounding fee and supplemental revenue settlement fee; and indicating amount of premium and other Government dues, if any, for reflecting the entry in the Register of Mutations during the relevant period in such form and manner as may be prescribed by the State Government.

(2) The certificate issued by the authorised revenue officer shall be valid for a period of 365 days. During this period, if the claimant pays compounding fee, Government dues and premium, etc. in four equal instalments as indicated in the certificate of claim, an entry to this effect shall be made in the Register of Mutations and a Certificate of No Dues shall be issued which shall be valid for reporting of acquisition of rights under section 135C. If the claimant does not make the payment of the Government dues and premium as indicated within a said period of 365 days, the revenue officer shall proceed to make an entry in the Register of Mutations reflecting payment of compounding fee, amount of premium and other Government dues in the entry against the claimant.”.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Land Revenue Code, 1879 provides for creation, updation and preservation of records of rights in respects of lands for the purpose of land revenue and maintenance of registers of mutations.

During the last few years due to rapid economic and other developing activities taking place in the State, certain transitional areas have come into existence in violation of terms and conditions or the restrictions provided for in such revenue laws leading to inchoate rights, titles and interests over the lands. This has resulted in a situation where the records of rights and registers of mutations do not show the actual status of the holding of the land etc. and therefore disparity in determining actual status of occupancies recorded in records of rights was faced in the smooth administration of revenue laws. To overcome such issues, Chapter IX-A of the Gujarat Land Revenue Code, 1879 of land within transitional areas has been introduced in the said Act.

During the implementation of the said Chapter IX-A of the Gujarat Land Revenue Code, 1879, some claimants face difficulties in making payments of compounding fees, revenue supplemental fees and amount of premium and other Government dues payable under the said Act within the stipulated period of 90 days to get “Certificate of claim” as well as “Certificate of No dues” for reporting of their acquisition of rights under section 135C of the said Code. To obviate such situation, it is considered necessary to enhance the said period from 90 days to 365 days for payment of Government dues and premium, etc. in four equal instalments. Sub-sections (1) and (2) of section 125L of the said Act are proposed to be amended accordingly.

This Bill seeks to amend the said Act of 1879 to achieve the aforesaid objects.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.- Sub-section (1) of section 125L proposed to be substituted by this clause empowers the State Government to prescribe by rules, the form and the manner in which the certificate shall be issued by the Revenue Officer for reflecting the entry in the Register of Mutations, during the relevant period.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 29th November, 2019.

KAUSHIK PATEL,

By order and in the name of the Governor of Gujarat,

Gandhinagar.

K. M. LALA,

Dated the 29th November, 2019.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT CO-OPERATIVE SOCIETIES (SECOND AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 33 OF 2019.

A BILL

further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Co-operative Societies (Second Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 67A of
Guj. X of 1962.

2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as “the principal Act”), in section 67A, to sub-section (2), the following proviso shall be added, namely:-

Guj. X of
1962.

“Provided that the society shall carry atleast eight per cent. of its net profit to the Bad Debt Reserve Fund in cases where,-

- (i) the amount of Bad Debt Reserve Fund of such society shall be minimum twice the amount of the Non-Performing Assets (NPA) of such society occurred in the preceding financial year; and
- (ii) the Prudential Norms of the Reserve Bank of India applicable for Non-Performing Assets (NPA) have been complied with by such society.”.

Amendment
of section 70 of
Guj. X of
1962.

3. In the principal Act, in section 70,-

- (i) in the proviso, the words “and Urban Co-operative Banks” shall be added at the end;
- (ii) after the existing proviso, the following Explanation shall be added, namely:-

“**Explanation.**- For the purposes of this section, the “Urban Co-operative Bank” means a society registered under this Act and doing business of banking, as defined in clause (b) of section 5 of the Banking Regulation Act, 1949.”.

10 of 1949.

STATEMENT OF OBJECTS AND REASONS

At present, the society registered under the Gujarat Co-operative Societies Act, 1961 is required to carry atleast fifteen percent. of its net profit to the Bad Debt Reserve Fund under the provisions of sub-section (2) of section 67A of the said Act. The Urban Co-operative Bank being the society registered under the said Act has to follow the said norms as required by the said sub-section (2) as also it has to make provision for bad loans as required by the prudential norms of the Reserve Bank of India. In these circumstances, a small amount of net profit is available with such society and the society has to face problem in appropriation of profit for the purposes as specified in sub-section (2) of section 66 of the said Act. To obviate such situation, it is considered necessary to make provision for carrying atleast eight percent. of the net profit to the Bad Debt Reserve Fund by such society in cases where the amount of Bad Debt Reserve Fund of such society shall be minimum twice the amount of the Non-Performing Assets (NPA) of such society occurred in the preceding financial year and Prudential Norms of the Reserve Bank of India applicable for Non-Performing Assets (NPA) have been complied with by such society. Sub-section (2) of section 67A is proposed to be amended accordingly. *Clause 2* of the Bill provides for the same.

Section 70 of the said Act provides for the contribution to any prescribed co-operative purpose or to any charitable purpose or to any other public purpose subject to the approval of the Gujarat State Co-operative Union, if the society operates in more than one districts or the District Co-operative Board, in any other case. However, the societies in the co-operative credit structure are exempted from obtaining such approval under the provisions of the said section. Now, under the guidelines of the Reserve Bank of India, the Urban Co-operative Banks can make contribution for the people affected in natural calamities from its reserve fund or Bad Debt Reserve Fund but subject to the approval as

specified in the said section 70. However, it is felt that in following the procedure for obtaining such approval, aid to the affected people cannot be carried at the appropriate time. It is, therefore, considered necessary to exempt such Banks from obtaining such approval under the provisions of the said section 70 so that the purpose can be served. Section 70 is proposed to be amended accordingly. *Clause 3* of the Bill provides for the same.

This Bill seeks to amend the said Act of 1961 to achieve the aforesaid objects.

ISHWARSINH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respects:--

Clause 1.— sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 30th November, 2019.

ISHWARSINH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 30th November, 2019.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT MICRO, SMALL AND MEDIUM ENTERPRISES (FACILITATION OF ESTABLISHMENT AND OPERATION) BILL, 2019.

GUJARAT BILL NO. 34 OF 2019.

A BILL

to provide for exemption from certain approvals and inspections for establishment and operation of the micro, small and medium enterprises in the State of Gujarat and matters connected therewith or incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2019.

Short title,
extent and
commencement.

- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on the 24th October, 2019.

Definitions.

2. In this Act, unless the context otherwise requires:-

- (a) “Acknowledgement Certificate” means the acknowledgement certificate issued under section 5;
- (b) “approval” means any permission, no-objection, clearance, consent, approval, registration, license and the like, required under any State Law in connection with the establishment or operation of an enterprise in the State of Gujarat;
- (c) “Competent Authority” means any department or agency of the Government or local authority, statutory body, State owned corporation, Panchayati Raj Institution, Municipality, Urban Development Authorities, Urban Improvement Trusts or any other authority or agency constituted or established by or under any State Law or under administrative control of the Government, which is entrusted with the powers or responsibilities to grant or issue approval for establishment or operation of an enterprise in the State;
- (d) “District Level Facilitation Committee (DLFC)” means the District Level Facilitation Committee constituted under section 5 of the Gujarat Single window Clearances Act, 2017;
- (e) “enterprise” means a micro, small or medium enterprise;
- (f) “Government” means the Government of Gujarat;
- (g) “micro, small or medium enterprise” means the Micro, Small or Medium Enterprises, as defined in the Micro, Small and Medium Enterprises Development Act, 2006;
- (h) “nodal agency” means the nodal agency referred to in section 3;

**Guj. 29 of
2017.**

27 of 2006.

- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “State” means the State of Gujarat;
- (k) “Single Window Facilitation Committee (SWFC)” means the Single window Facilitation Committee constituted under section 6 of the Gujarat Single window Clearances Act, 2017;
- (l) “Undertaking” means a letter to be taken from enterprise under a prescribed format to include that the enterprise shall ensure appropriate labour welfare measures, adequate fire safety and environmental measures as required by the law.

Guj. 29 of 2017.

Guj. 29 of 2017.

3. (1) Subject to superintendence, direction and control of the Government, the Investor Facilitation Agency (IFA) constituted under section 8 of the Gujarat Single window Clearances Act, 2017 shall be the State level Nodal Agency for the purposes of this Act.

Nodal Agency.

(2) Subject to superintendence, direction and control of the Government and the District Level Facilitation Committee, the District Industries Centre (DIC) shall be the District level Nodal Agency for the purposes of this Act.

4. (1) Subject to the superintendence, direction and control of the Government, the powers and functions of the nodal agencies shall be as follows:-

Powers and functions of nodal agencies.

- (a) to assist and facilitate establishment of enterprises in the State; and
- (b) to maintain the records of declaration of intent received and Acknowledgement Certificate issued under this Act.

(2) The Government may assign such other powers and functions to the nodal agencies as it may deem fit for giving effect to the provisions of this Act.

Filing of Declaration.

5. (1) Any person who intends to start an enterprise may furnish to the State level nodal agency a declaration of intent to start an enterprise in such form and in such manner as may be prescribed.

Explanation. - Any person who has applied to the Competent Authority to obtain all or any of the approvals as referred to in clause (b) of section 2 before the commencement of this Act may also opt to furnish declaration of intent to start an enterprise under this sub-section.

(2) On receipt of a declaration of intent, the State level nodal agency shall, forthwith, issue an Acknowledgment Certificate, in the prescribed form to the person who furnished the declaration under sub-section (1).

Effect of the Acknowledgment Certificate.

6. (1) An Acknowledgment Certificate issued under section 5 shall for all purposes, have effect as if it is an approval as referred to in clause (b) of section 2, for a period of three years from the date of its issuance and after the expiry of the said period of three years, the enterprise shall have to obtain required approval as referred to in clause (b) of section 2 within six months from the date of such expiry:

Provided that the enterprise may apply for necessary permission under the respective laws within a period of three years from the date of issuance of acknowledgment certificate:

Provided further that such Acknowledgement Certificate shall not entitle a person to use a land in deviation to the land use specified in the master plan wherever such plan is in force:

Provided also that the Acknowledgement Certificate shall not entitle a person to use the land falling in restricted category as specified in clause (b) of section 65B of the Gujarat Land Revenue Code, 1879:

Bom. V of
1879.

Provided also that any agricultural land on which a person wishes to start an enterprise shall be deemed to be a non-agricultural land under the provisions of section 65B of the Gujarat Land Revenue Code, 1879:

Bom. V of
1879.

Provided however that the relaxation shall not be given to the enterprise from the provisions of-

- | | | |
|-------|---|-------------------------------|
| (i) | section 73AA of the Gujarat Land Revenue Code, 1879; | Bom. V of 1879. |
| (ii) | sections 43 and 63AA of the Gujarat Tenancy and Agricultural Lands Act, 1948; | Bom. LXVII of 1948. |
| (iii) | sections 57 and 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958; | Bom. XCIX of 1958. |
| (iv) | section 55 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949. | Sau. Ord. XLI of 1949. |

(2) During the period of three years as specified in sub-section (1), no competent authority shall undertake any inspection for the purpose of or in connection with, any approval as defined in clause (b) of section 2:

Provided that the competent authority shall be empowered to undertake an inspection during the said period of three years in cases where the enterprise has applied for necessary permission under the respective laws within a period of three years from the date of issuance of acknowledgment certificate.

7. Where the Government or any authority under it is empowered to exempt any enterprises from any approval or inspection or any provisions relating thereto under any Central Act, the Government or, as the case may be, any such authority shall, subject to the provisions of such Central Act, exercise such powers to grant such exemption to an enterprise established in the State for at least a period of three years from the date of issue of the acknowledgement certificate issued under sub-section (2) of section 5.

Exemption.

8. No suit prosecution or other legal proceedings shall lie against the Government or Nodal Agency or Competent Authority or any employee of the Government, Nodal Agency or Competent Authority in respect of anything which is done or intended to be done in good faith under this Act or any rules made thereunder.

Protection of action taken in good faith.

**Act to
override
other
laws.**

9. (1) The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other State law, for the time being in force.

(2) In particular and without prejudice to the generality of the foregoing provisions of this Act, such provisions shall have effect notwithstanding anything inconsistent therewith contained in the following enactments and the provisions of these enactments shall be read as amended in conformity with the provisions of this Act, namely:-

- | | | |
|------------------------------------|-----|--|
| Bom. V of 1879. | (a) | the Gujarat Land Revenue Code, 1879; |
| Bom. LXVII of 1948. | (b) | the Gujarat Tenancy and Agricultural Lands Act, 1948; |
| Bom. LIX of 1949. | (c) | the Gujarat Provincial Municipal Corporations Act, 1949; |
| Sau. Ord. XLI of 1949. | (d) | the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance 1949; |
| Bom. XCIX of 1958. | (e) | the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958; |
| Guj. 34 of 1964. | (f) | the Gujarat Municipalities Act, 1963; |
| President's Act 27 of 1976. | (g) | the Gujarat Town Planning and Urban Development Act, 1976; |
| Guj. 18 of 1993. | (h) | the Gujarat Panchayats Act, 1993. |

Savings.

10. Subject to the provisions of section 7, nothing in this Act shall be construed as exempting any enterprise from the application of the provisions of any law for the time being in force, or any regulatory measures and standards prescribed thereunder, except to the extent expressly provided in this Act.

**Power
to make
rules.**

11. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be subject to the condition of previous publication.

(3) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and

shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

**Power to
remove
difficulties.**

Provided that no such order under this section shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made before the State Legislature.

**Guj. Ord. 1
of 2019.**

13. (1) The Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019 is hereby repealed.

**Repeal and
savings.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

Liberalization and globalization have positive impact on the industrial development in the State. Despite Government's efforts to attract investment and promote industries, it is experienced that one of the most critical reform challenges lies in improving the ease of doing business. With a view to secure this objective, it was considered necessary to prepare a blue-print for betterment of the business environment in the State. The State Government has taken up the activities related to simplification of various procedures for establishment of industries from the view point of prospective investors in the Industrial Sector.

The State Government is committed towards creating an investor friendly atmosphere in the State. Many steps have been taken in the past few years to promote investment and make the State of Gujarat investor friendly State and for that it is considered necessary to have a law which shall provide for exemption from certain approvals and inspections for establishment and operation of the micro, small and medium enterprises in the State of Gujarat. The salient features of the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Act, 2019 are as under:

- (1) any entrepreneur who intends to start an enterprise shall apply online for 'Declaration of Intent' and an 'Acknowledgment Certificate' shall be issued immediately to the entrepreneur by the Nodal Agency.
- (2) by putting in place a robust mechanism whereby just filling 'Declaration of Intent' on the portal, the entrepreneur shall get Acknowledgment Certificate immediately online.
- (3) the enterprise shall be exempted from the approvals and clearances for three years.

- (4) after expiry of three years, the enterprise shall have to obtain required approvals within six months.

The said Act shall be the major step to promote entrepreneurship and materialize investment by the State Government and it would be a major law to facilitate investment, foster innovation and increase employment opportunities.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Ordinance, 2019 was promulgated to achieve the aforesaid objects. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

- Clause 1.-** This clause provides for short title, extent and commencement of the Act.
- Clause 2.-** This clause defines certain terms used in the Bill.
- Clause 3.-** This clause provides for the constitution of the Nodal Agency.
- Clause 4.-** This clause provides for powers and functions of the Nodal Agency.
- Clause 5.-** This clause provides for filing of a declaration of intent by any person who intends to start a micro, small or medium enterprise.
- Clause 6.-** This clause provides for the effect of the acknowledgement Certificate issued as if it is an approval under clause (b) of section 2 of the Act.
- Clause 7.-** This clause empowers the State Government or any authority to exempt any enterprises from any approval or inspection or any provisions relating thereto under any Central Act.

- Clause 8.-** This clause provides for usual indemnity for acts done in good faith.
- Clause 9.-** This clause provides for overriding effect to the extent of inconsistent provisions in the certain State Laws.
- Clause 10.-** This clause provides that the application of the provisions of any law for time being in force shall not affect except to the extent expressly provided in the Act.
- Clause 11.-** This clause empowers the State Government to make rules by notification in the *Official Gazette*, for carrying out the purposes of this Act, subject to the condition of the previous publication.
- Clause 12.-** This clause empowers the State Government to remove difficulties arising within a period of two years from the commencement of the Act.

SAURABH PATEL,

FINANCIAL MEMORANDUM

The Gujarat Micro, Small and Medium Enterprises (Facilitation of Establishment and Operation) Bill, 2019 seeks to provide for exemption from certain approvals and inspections for establishment and operation of the micro, small and medium enterprises in the State of Gujarat. The administrative set up already exists for carrying into effect the provisions of the relevant Acts and as such, if the same is enacted and brought into force, it would not involve any additional expenditure from the Consolidated Fund of the State.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 5.- (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form and the manner in which a declaration of intent may be furnished by the State level Nodal Agency to start an enterprise;

(ii) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the Form in which an Acknowledgement Certificate shall be issued forthwith by the State level Nodal Agency to the person who furnished the declaration of intent.

Clause 11.- Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 12.- Sub-clause (1) of this clause empowers the State Government to remove by an order published in the *Official Gazette*, any difficulty if arise in giving effect to the provisions of this Act within a period of two years.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 4th December, 2019.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

K. M. LALA,

Dated the 4th December, 2019.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT ELECTRICITY DUTY (SECOND AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 35 OF 2019.

A BILL

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Electricity Duty (Second Amendment) Act, 2019.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

**Amendment
of section 3
of Bom. XL
of 1958.**

2. In the Gujarat Electricity Duty Act, 1958, in section 3, in sub-section (2), in clause (v-a), the words “and on such terms and conditions as may be specified therein” shall be added at the end.

**Bom. XL
of 1958.**

STATEMENT OF OBJECTS AND REASONS

Existing clause (v-a) of sub-section (2) of section 3 of the Gujarat Electricity Duty Act, 1958 provides for exemption from levy of electricity duty on units of energy consumed if such energy is generated by any non-conventional or renewable source of energy as may be specified by the state government by notification in the *Official Gazette*. The State Government has, vide Government Notification, Energy and Petrochemicals Department, No. GHU/2016/(31)/ELD/12-2015/3208/E, dated the 22nd May, 2016, specified such eight energy viz. solar, wind, biomass, tidal, wave, geo-thermal, small hydro plant (capacity upto 25 MW) and energy from waste. Now, in order to have more flexibility in granting exemption to such renewable sources of energy depending upon their aggregate installed capacity, class of the consumers of such energy as well as the nature of consumption, it is considered necessary to amend said clause (v-a) of sub-section (2) of section 3 further to empower the State Government to specify the terms and conditions in the said notification, subject to which such energy would be considered as non-conventional or renewable energy and the units of such energy consumed would be exempted from levy of Electricity Duty. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State

Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.- Existing *clause* (v-a) of sub-section (2) of section 3 of the Act empowers the State Government to specify, by notification in the *Official Gazette*, as to which energy would be considered as non-conventional or renewable energy. The said clause is now proposed to be amended by this clause further to empower the State Government to specify the terms and conditions in the said notification, subject to which the energy would be considered as non-conventional or renewable energy.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 4th December, 2019.

SAURABH PATEL.

Gandhinagar,

Dated the 5th December, 2019

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PROFESSIONAL TECHNICAL EDUCATIONAL COLLEGES OR INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEES) (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 36 OF 2019.

A BILL

*further to amend the Gujarat Professional Technical Educational
Colleges or Institutions (Regulation of Admission and Fixation of
Fees) Act, 2007.*

It is hereby enacted in the Seventieth Year of the Republic of India
as follows:-

- (1) This Act may be called the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2019.

**Short title and
commencement.**

- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 2 of
Guj. 2 of 2008.**

- 2.** In the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as “the principal Act”), in section 2,-

**Guj. 2 of
2008.**

- (i) after clause (d), the following clause shall be inserted, namely:-

“(dd) Foreign National (FN) Student” means the student other than Non-Resident Indian (NRI) who possesses a foreign passport and fulfils the equivalency of eligibility requirements ascertained by the competent authority as may be specified by the Ministry of Human Resource Development, Government of India, for admission;”;

- (ii) in clause (g), for sub-clause (ii), the following sub-clause shall be substituted, namely:-

“(ii) fifty per cent. (50%) seats of the professional courses of the total approved seats in the unaided colleges or institutions;”;

- (iii) after clause (g), the following clause shall be inserted, namely:-

“(gg) “GTERS or the Gujarat Technical Education and Research Society (GTERS)” means a society constituted by the Education Department, Government of Gujarat under the Government Resolution No. MIS/102013/104/S. dated the 31st December 2013;”;

- (iv) for clause (h), the following clause shall be substituted, namely:-

“(h) Management seats" means fifty per cent. (50%) seats of the professional courses of the total approved seats in the unaided colleges or institutions including fifteen per cent. (15%) of Non-Resident Indian seats; and also includes seats for Foreign National Students; and students from any State (including Gujarat);”;

(v) in clause (i), for the words “in the professional educational colleges or institutions”, the words “on the management seats in the unaided educational colleges or institutions on the basis of fulfillment of equivalency of eligibility requirements for admission as ascertained by the competent authority as may be specified by the Ministry of Human Resource Development, Government of India.” shall be substituted.

3. In the principal Act, in section 4, for sub-section (3), the following sub-section shall be substituted, namely:-

**Amendment
of section 4
of Guj. 2 of
2008.**

“(3) The Gujarat Technical Education and Research Society (GTERS) shall guide, supervise, promote and control the entire process of admission of students to the professional educational colleges or institutions.”.

4. In the principal Act, for section 5, the following section shall be substituted, namely:-

**Substitution
of section 5
of Guj. 2 of
2008.**

**Preparation
of merit list
for
admission.**

“5. (1) For the purpose of admission on the Government seats in the professional courses, the Admission Committee shall prepare the merit list of students based on common entrance test or on such other criteria as may be prescribed.

(2) For the purpose of admission on the management seats in the professional courses, the unaided college or institution shall prepare the merit list of students based on common entrance test or on such other criteria as may be prescribed:

(3) The Foreign National Students or, as the case may be, NRI students shall be admitted in any professional educational college or institution in such manner and on such criteria as may be prescribed:

Provided that it shall not be necessary to conduct common entrance test for preparing merit list for admission to such professional courses as may be specified by the State Government by notification in the *Official Gazette*.”.

**Amendment
of section 6
of Guj. 2 of
2008.**

- 5.** In the principal Act, in section 6, in sub-section (1), for the existing provisos, the following provisos shall be substituted, namely:-

“Provided that if any unaided college or institution requests to fill up all or any portion of the management seats by the Admission Committee, such management seats shall be considered as the Government seats:

Provided further that if any Government seat remains vacant, such seat shall be filled in as the management seat in the manner as may be prescribed:

Provided also that if any Non-Resident Indian seat remains vacant, such seat shall be filled in as the management seat.”;

**Amendment
of section
7A of Guj. 2
of 2008.**

- 6.** In the principal Act, in section 7A, in sub-section (1), for the words “students from other States may be given admission in the unaided colleges or institutions”, the words “students from other States and other countries may be given admission in any college or institution” shall be substituted.

**Amendment
of section 10
of Guj. 2 of
2008.**

- 7.** In the principal Act, in section 10,-

- (i) in sub-section (1), the words and letters “and students who are Foreign Nationals and NRI” shall be added at the end;
- (ii) in sub-section (2), to clause (c), the following proviso shall be inserted, namely:-

“Provided that the unaided professional educational college or institution may raise the fee up to five per cent. of existing fee for the fee block upto three years, or make any reduction in the existing fees without following the procedure as referred to in clauses (a) and (b) above. However, the unaided professional educational college or institution shall provide a “Declaration cum Undertaking” regarding the revised fee structure under this section in the form of affidavit as may be prescribed.”

- (iii) after sub-section (2), the following sub-section shall be inserted, namely:-

“(2A) Any unaided college or institution may charge differential fee for different courses/ branch subject to the maximum ceiling prescribed by Fee Regulatory Committee.”.

8. In the principal Act, in section 13, after sub-section (2), the following sub-section shall be added, namely:-

“(3) On receipt of any complaint, the State Government may conduct an inquiry into the matter and take necessary action.”.

**Amendment
of section 13
of Guj. 2 of
2008.**

9. In the principal Act, for section 14, the following section shall be substituted, namely:-

Penalties. “14. Whoever contravenes any of the provisions of this Act or the rules made thereunder shall, after giving opportunity of being heard, be punishable with fine which may extend to rupees fifty lakhs; or any penal action that may be taken by the State Government under the respective University Acts or both.”.

**Substitution
of section 14
of Guj. 2 of
2008.**

STATEMENT OF OBJECTS AND REASONS

The Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 was enacted with a view to provide a common framework for admission as well as fee fixation for professional colleges, as defined by AICTE, in the State. In view of the change in the situation of demand and supply of professional courses in the State, a need has arisen to make certain changes in this Act. This amendment Bill aims to do this.

In the last three years, it appears that the aspirant students are lesser in number against the approved seats in the professional courses in Gujarat State therefore more than 50% of seats of self-financed institutions remain vacant after ACPC admission process is over. Moreover, in the year 2019 additional 25% seats have been increased to implement reservation of EWS. States like Rajasthan and Maharashtra as well as distant States like Tamil Nadu, Karnataka and Andhra Pradesh are allowing students from other States since long. This has strengthened the competition and knowledge aspect of the students in their States. Similarly, in the State of Gujarat, it is also required to increase the PAN India competitiveness among meritorious students and to provide environment of global competitiveness.

To achieve the said purpose, it is required to make available more number of seats to SFIs to fill their own so as to make early attempt to fill their seats on merit from students outside Gujarat and India. Clause 2 of the Bill provides for the same. The provisions regarding admission under the Government Seats and Management Seats is proposed under *clause 5 of the Bill*.

In recent academic framework ranking issued by various renowned organizations, it is emphasized to have diversification and global student intake at institute level. The Government of India has also launched Study in India program to create global environment for academic cultural and research activities in higher educational institutions. Since 1950 India's first Education Minister had introduced an ICCR program which enables foreign students to study in India. At present, in the State of Gujarat more than 700 students are studying under this program. To strengthen the ICCR program it is considered necessary to enable the qualified students who possess a foreign passport to study in educational institutions of Gujarat in Government Seats and Management Seats also. *Clauses 2 and 4* of the Bill provide for the same.

For the quality improvement, create awareness about professional courses among the students, admission process for professional courses and to conduct various activities pertaining to technical institutions, Education department has set up Gujarat Technical Education and Research Society (GTERS). Therefore, the overall supervision of admission process is to be conducted under GTERS. *Clause 3* of the Bill provides for the same.

To eliminate the overall administrative process and allied activities for a nominal rise in existing fees or to reduce existing fee for unaided institutions, to allow such institutions to do the same by submission of Declaration cum Undertaking. *Clause 7* of the Bill provide for the same.

On receipt of any complaint from any person, the necessary provision to empower the State Government to conduct an inquiry and to impose penalty to any professional Educational college or institution including private university is also proposed. *Clauses 8 and 9* of the Bill provide for the same.

This Bill seeks to amend the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 to achieve the aforesaid objects.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 4.- (i) Sub-section (1) of new section 5 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the criteria other than the common entrance test on which the Admission Committee shall prepare the merit list for Government seats in the professional courses;

- (ii) Sub-section (2) of new section 5 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the criteria other than the common entrance test on which the unaided college or institution shall prepare the merit list for Management seats in the professional courses;
- (iii) Sub-section (3) of new section 5 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the manner in which and the terms and conditions subject to which the Foreign National Students or, as the case may be, NRI students shall be admitted in any professional educational college or institution;
- (iv) Proviso to new section 5 proposed to be substituted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the professional courses for which it shall not be necessary to conduct common entrance test for preparing merit list for admission.

Clause 5.- The second proviso to sub-section (1) of section 6 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the manner in which the vacant Government seat shall be filled in as the Management seat.

Clause 7.- Proviso to clause (c) of sub-section (2) of section 10 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form of affidavit in which the “Declaration cum Undertaking” regarding the revised fee structure shall be provided unaided professional educational college or institution.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 5th December, 2019. **BHUPENDRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,

K. M. LALA,

Dated the 5th December, 2019

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.

Government Central Press, Gandhinagar.



सत्यमेव जयते

The Gujarat Government Gazette

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE STATUE OF UNITY AREA DEVELOPMENT AND TOURISM GOVERNANCE BILL, 2019.

GUJARAT BILL NO. 37 OF 2019.

A BILL

to provide for development of the area and management of Tourism in and around the Statue of Unity at Kevadia in the State of Gujarat by providing necessary civic infrastructure through effective planning, administration, and the matters connected therewith and incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Statue Of Unity Area Development and Tourism Governance Act, 2019.

Short title, extent and commencement.

(2) It shall extend to the Tourism development area as declared under section 3.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires-

- (a) “amenities” means basic and essential services including but not limited to roads, bridges, bypasses and underpasses, drainage, water supply, power supply and electrical installations, collection-treatment- discharge and disposal of institutional and township waste, health, education, transport, disaster management, parks, green areas, gas pipeline, entertainment, hospitality, recreation, industry, townships and institutional areas and other facilities of conveniences and such other services as the SOUADTG Authority may specify;
- (b) “building operations” shall have the same meaning as is assigned to it under clause (vi) of section 2 of the Gujarat Town Planning and Urban Development Act,1976;
- (c) “developer” means a person or entity with whom a concession agreement is entered into or a project has been awarded and for which such other agreement is entered into for furtherance of the objectives of this Act;
- (d) "development" shall have the same meaning as is assigned to it under clause (viii) of section 2 of the Gujarat Town Planning and Urban Development Act,1976.
- (e) "development plan" means a plan for the development or re-development or improvement of a Tourism development area;
- (f) "engineering operations" shall have the same meaning as is assigned to it under clause (xi) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;
- (g) “Government agency” means a Corporation or a Government company or a body owned or controlled by the State Government or an authority established by or under any State law and includes a local authority;
- (h) "land" shall have the same meaning as is assigned to it under clause (xiii) of section 2 of the Gujarat Town Planning and Urban Development Act,1976;
- (i) "local authority" means a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963, a committee appointed for a notified area under the Gujarat Municipalities Act, 1963 or a panchayat constituted under the Gujarat Panchayats Act, 1993;
- (j) "Notification" means a notification published in the *Official Gazette*;
- (k) "Nuisance" includes any act of commission or omission or carrying on of any activity, process, operation including the operation of any machine which causes or is likely to cause injury, danger, or which is or may be dangerous to life or injurious to health or property or to any animal or plant;

President's Act
No. 27 of 1976.

President's Act
No. 27 of 1976.

President's Act
No. 27 of 1976.

President's Act
No. 27 of 1976.

Guj. 34 of 1964.

Guj. 18 of 1993.

- (l) "occupier" includes, -
- (i) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
 - (ii) an owner living in or otherwise using his land or building;
 - (iii) a rent-free tenant;
 - (iv) a licensee in occupation of any land or building;
 - (v) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;

but, shall not include a person who on the date of commencement of this Act is in illegal possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall not also include a person who has encroached upon such land;

President's Act
No. 27 of 1976.

- (m) "operational construction" shall have the same meaning as is assigned to it under clause (xvii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (n) "owner", in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof but shall not include any such person who on the date of commencement of this Act is in illegal possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall not include a person who has encroached upon such land;
- (o) "person" means and includes, an individual, an entity, a company, firm, organization, association of persons, society, establishment, institution including Government agencies carrying on business or economic activity in the Tourism development area;
- (p) "prescribed" means prescribed by rules made under this Act;
- (q) "Prescribed Authority" means an Authority appointed under section 25;
- (r) "regulations" means a regulations made under section 54 and includes zoning and other regulations made as part of a development plan or town planning scheme;
- (s) "rules" means rules made under section 53;
- (t) "Statue Of Unity" means the statue of Shri Sardar Vallabhbhai Patel, located at Kevadia, District: Narmada, Gujarat;

- (u) “Statue Of Unity Area Development and Tourism Governance Authority” means the authority constituted under section 4 or any Government agency or Government company designated as such under sub-section (4) of section 4;
- (v) “Tourism activity” means the activities and services including but not limited to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, tourism, hospitality, health, housing, entertainment, research and development, education and training, skill development, information and communication, management and consultancy, corporate offices and the activities and services connected therewith or incidental thereto and other activities including the economic activities as the State Government may specify by notification in the *Official Gazette*;
- (w) “Tourism development area” means the area declared under section 3;
- (x) “Tourism trade” means and includes facilities, service, activities or products relating to Tourism provided to a tourist in a premises by any person or travel agency regularly or occasionally within Tourism development area or otherwise;
- (y) “tourist guide” means the tourist guide appointed under section 30.

CHAPTER II

DECLARATION OF TOURISM DEVELOPMENT AREA

**Declaration of
Tourism
development
area.**

3. (1) The State Government, for the purpose of securing planned Tourism development and governance in and around Kevadia, District Narmada and in the vicinity of Statue Of Unity, may, by notification in the *Official Gazette*, declare such area to be the Tourism development area.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.

(3) The State Government may also, by notification in the *Official Gazette*, extend the Tourism development area as and when it deems fit.

CHAPTER III

CONSTITUTION OF SOU TOURISM AUTHORITY

**Constitution of
SOU Tourism
Authority.**

4. (1) As soon as may be after the declaration of a Tourism development area under section 3, the State Government shall, by

notification in the *Official Gazette*, constitute an authority for such area to be called the Statue Of Unity Area Development and Tourism Governance Authority (hereinafter referred to as “SOU Tourism Authority”) for such Tourism development area for the purpose of carrying out the functions assigned to it by or under this Act.

(2) The headquarters of the SOU Tourism Authority shall be at Kevadia, District Narmada:

Provided that the State Government may, by notification in the *Official Gazette*, specify any other place as the headquarters of the SOU Tourism Authority.

(3) (a) The SOU Tourism Authority shall consist of the following members, namely: -

- (i) the Chairman to be appointed by the State Government;
- (ii) the Vice Chairman – Managing Director, Sardar Sarovar Narmada Nigam Limited, *ex-officio*;
- (iii) the Vice Chairman – Secretary / Principal Secretary / Additional Chief Secretary of Urban Development Department, *ex-officio*;
- (iv) the Vice Chairman – Secretary / Principal Secretary / Additional Chief Secretary (Narmada), *ex-officio*;
- (v) the Vice Chairman – Secretary / Principal Secretary/ Additional Chief Secretary of Tourism Department, *ex-officio*;
- (vi) the Member-Secretary – Managing Director of Tourism Corporation of Gujarat Limited, *ex-officio*;
- (vii) the Joint Managing Director, Sardar Sarovar Narmada Nigam Ltd., and Member-Secretary, Sardar Vallabhbhai Patel *Rashtriya Ekta* Trust (SVPRET), *ex-officio*;
- (viii) the Chief Executive Officer – Chief Administrator – SOU, *ex-officio*;
- (ix) the Collector, Narmada District, *ex-officio*;
- (x) the District Development Officer, Narmada District, *ex-officio*;
- (xi) the Chief Town Planner, Gujarat., *ex-officio*;
- (xii) the Superintendent of Police, Narmada District, *ex-officio*;
- (xiii) the Principal Chief Conservator of Forest (Wild Life), *ex-officio*;
- (xiv) the Deputy Conservator of Forest, Kevadia, *ex-officio*;
- (xv) the Chief Engineer (Dam and Vadodara), Sardar Sarovar Narmada Nigam Ltd, *ex-officio*;
- (xvi) the Chief Engineer, Roads and Buildings Department (Vadodara), *ex-officio*;

- (xvii) the Chief Engineer, Gujarat Water Supply and Sewerage Board, Surat, *ex-officio*;
- (xviii) the Chief Engineer, Daxin Gujarat Vij Company Ltd., Surat, *ex-officio*;
- (xix) three experts who possess experience and knowledge in area development or Tourism to be nominated by the State Government;
- (xx) President, District Panchayat, Narmada.

(b) The Chairman shall have powers to co-opt the members, not exceeding three, in the SOU Tourism Authority subject to the rules as may be prescribed:

Provided that no such appointment shall be made except without the prior consultation with the State Government.

(c) The terms and conditions of service of the members so co-opted shall be as may be determined by the State Government.

(4) The State Government may, instead of constituting the SOU Tourism Authority, designate any Government agency or Government company as the SOU Tourism Authority and empower it to exercise in part or all the powers to enable it to perform the functions by or under this Act.

**Term of office
and conditions
of service of
members.**

5. (1) The term of office, conditions of service and powers and functions of the Chairman, Vice- Chairman, the Member-Secretary, the Chief Executive Officer and members appointed under sub-clause (xix) of sub-section (3) of section 4 of the SOU Tourism Authority shall be such as may be prescribed.

(2) The Chairman, the Vice-Chairman and the members of the SOU Tourism Authority other than *ex-officio* members shall hold office during the pleasure of the State Government.

(3) The conditions of service of the members of the SOU Tourism Authority other than *ex-officio* members shall be such as may be prescribed and such members shall be entitled to receive such remuneration or allowances or both as the State Government may by order determine.

(4) (a) If the State Government is of opinion that any member of SOU Tourism Authority is guilty of misconduct in the discharge of his duties or is incompetent or has become incapable of performing his duties as such member, or should for any other good and sufficient reasons, be removed, the State Government may, after giving him an opportunity to be heard, remove him from office.

(b) Any member of the SOU Tourism Authority other than an *ex-officio* member may at any time resign his office by writing under his hand addressed to the State Government and upon the acceptance thereof, the office of such member shall become vacant.

6. (1) The SOU Tourism Authority shall meet at such time and at such place as the Chairman may determine:

**Meeting of SOU
Tourism
Authority and
transaction of
business.**

Provided that the procedure with regard to transaction of business at its meetings including quorum at such meeting shall be such as may be laid down by the SOU Tourism Authority in consultation with the State Government.

(2) The SOU Tourism Authority shall meet at least once in every quarter.

(3) The appointment, remuneration, allowances and conditions of services of the officers and employees of SOU Tourism Authority shall be such as may be prescribed by regulations.

7. (1) The SOU Tourism Authority may constitute an Executive Committee and such other committees consisting of members not exceeding six in numbers, for the performance of its functions as may be determined by it.

**Constitution of
Committees.**

(2) The terms and conditions of any of the committees constituted under sub-section (1) shall be as may be determined by the SOU Tourism Authority.

8. No act or proceedings of the SOU Tourism Authority and any of its committees shall be invalid or vitiated merely by reason of –

**Validity of acts
and proceedings
of SOU Tourism
Authority and
committees.**

- (a) a vacancy therein or any defect in the constitution thereof, or
- (b) an irregularity in its procedure not affecting the merits of the case.

CHAPTER IV

POWERS AND FUNCTIONS OF SOU TOURISM AUTHORITY

9. (1) The SOU Tourism Authority shall secure planned development of the Tourism development area and take steps to provide basic infrastructure and measures for effective management thereof.

**Powers and
functions of SOU
Tourism
Authority.**

(2) The SOU Tourism Authority shall, in particular, exercise the following powers and perform the following functions namely: -

- (i) to engage or assist or promote necessary facilities for tourists;
- (ii) to establish, maintain and operate services connected with the Tourism industry and to coordinate the activities of the persons providing such services for tourists;
- (iii) to prescribe, regulate, maintain and enforce the standards to be maintained by the different persons engaged in Tourism trade and Tourism activity;
- (iv) to acquire hereinafter by sale, take on lease, hire, pledge or otherwise, grant, allocation, donation, town planning scheme, consent agreement or through proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, hold or manage any moveable or immoveable property as it may deem necessary subject to general or specific directions of the State Government in this behalf; 30 of 2013.
- (v) to sale, lease, transfer or dispose of any land or building belonging to it subject to the regulations made by the State Government;
- (vi) to enter into contracts, agreements or concession agreement with any person, entity, developer or organization as it may deem necessary for performing its functions;
- (vii) to undertake preparation and execution of development plan for whole or part of the area of the Tourism development area;
- (viii) to undertake preparation and execution of town planning scheme and development plan for whole or part of the Tourism development area;
- (ix) to make general or specific regulations or issue directions to fix so as to implement the standards and the norms for building structures, infrastructure development, aesthetics and other construction activities;
- (x) to remove encroachments from Tourism development area and constructions therefrom not duly authorized or made in violation of the regulations, directions and norms laid down;
- (xi) to control the development activities in accordance with the development plan and to bring aesthetics, efficiency and economy in the process of development;
- (xii) to ensure and make provision for sufficient civic amenities including drainage and services including hospitals and medical services, schools, fire services, public parks, markets

and shopping places, play grounds, entertainment areas and disposal of waste.

- (xiii) to make sustainable arrangements for providing and maintaining the highest standards in civic amenities such as water supply, sewerage, power supply, transportation, communication, infrastructure and services particularly for cleanliness, aesthetics, health, hygiene, etc.
- (xiv) to provide for disaster management and mitigation;
- (xv) to levy and collect such fees, development charges, or user charges as may be fixed by the State Government;
- (xvi) to exercise such other powers and discharge such other functions for proper planning, management and development of the Tourism development area, the SOU Tourism Authority may issue such directions or instructions as it may consider necessary to any person, unit, entity, developer or any other stakeholder.
- (xvii) to exercise such other powers and discharge such other functions as may be prescribed by rules or regulations.
- (xviii) to appoint directly by contractual appointment / deputation/ outsourcing or in any other manner the staff for carrying out various functions and duties specified by the Act and determine remuneration thereof.
- (xix) to exercise such other powers and perform such other functions as are incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.

(3) On receipt of the proposal from the SOU Tourism Authority or otherwise, the State Government may, by notification in the *Official Gazette*, delegate any of the powers and functions of the SOU Tourism Authority to the local authority or authorities or an officer within its jurisdiction.

(4) Notwithstanding anything contained in the relevant State Acts, rules or any existing instructions of the State Government, the provisions made under clause (iv) of sub-section (2) shall prevail.

CHAPTER V TOWN PLANNING

10. (1) The provisions of the Gujarat Town Planning and Urban

**Application of
President's Act
No. 27 of 1976.**

Development Act, 1976, shall *mutatis mutandis*, apply with respect to the Development Plans and to the Town Planning Schemes made under this Act.

(2) The SOU Tourism Authority shall be The “Appropriate Authority” for the Tourism development area for the purposes of sub-section (1).

CHAPTER VI CONTROL, REGULATION AND DEVELOPMENT IN TOURISM DEVELOPMENT AREA

Restriction on
development
after publication
of draft
development
plan.

11. (1) On or after the date on which the SOU Tourism Authority is constituted, no person shall carry on any development in any building or in or over any land, within the limits of the said Tourism development area without the permission in writing of the SOU Tourism Authority:

Provided that no such permission shall be necessary, -

- (i) in respect of any work which is being carried on by the State Government on the date of commencement of this Act;
- (ii) for any work being carried on for the maintenance, improvement or other alteration of any building and which affect only the interior of the building or which does not materially affect the external appearance thereof;
- (iii) for the carrying out of-
 - (a) any operational construction undertaken by the Central Government or a State Government;
 - (b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables, telephone or other apparatus or the breaking open of any street or other land for such purpose;
- (iv) for any excavation, including excavation of wells made in the ordinary course of an agricultural operation;
- (v) for the construction of a road intended to give access to land solely for agricultural purposes;
- (vi) for the normal use of land which has been used temporarily for other purposes;
- (vii) in case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose;
- (viii) for any purpose incidental to the use of a building for human habitation or any other building or land attached to such building.

12. Any person, not being the Central Government or a State Government, intending to carry out any development in any building or in or over any land within the limits of a Tourism development area shall, make an application in writing to the SOU Tourism Authority for permission for such development in such form and containing such particulars and accompanied by such documents as may be determined by regulations.

Application of permission for development.

13. (1) Any person not being the Central Government or a State Government, intending to retain any use of building or work constructed or carried out on any land, or to continue any use of any particular land, before the date on which a final development plan comes into force, which is not in conformity with the provisions of the regulations or the final development plan, shall make an application in writing to the SOU Tourism Authority for permission to retain or continue such use, containing such particulars and accompanied by such documents and such fees as may be determined by regulations, within six months from the date on which the final development plan in respect of such Tourism development area comes into force.

Permission for retention or continuance of use of any building or work or any use of land.

(2) On and after the date on which the said period of six months expires, no person shall retain or continue any such use of building or work or land, without such permission having been obtained or contrary to the terms thereof:

Provided that where such person has applied under sub-section (1) within period of six months and no order has been made within a period of six months after the receipt of the application under said sub- section (1), he shall retain or continue such use until the date of such order.

14. (1) On receipt of an application under section 12, the SOU Tourism Authority shall furnish the applicant with a written acknowledgement of its receipt and after satisfying itself that the development charge, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing-

Grant or refusal of permission.

- (i) grant the permission with or without any condition; or
- (ii) grant the permission, subject to any general or special orders made by the State Government in this behalf; or
- (iii) refuse to grant the permission.

(2) Any permission under sub-section (1) shall be granted in the prescribed form and every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

(3) Every order made under sub-section (1) shall be communicated to the applicant in the manner prescribed by regulations.

(4) If the SOU Tourism Authority fails to communicate its order to the applicant within three months from the date of receipt of the application, such permission shall be deemed to have been granted to the applicant on the expiry of the said period of three months.

Unauthorized construction.

15. (1) If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 13 or section 14 or of any permission granted under sub-section (1) of this section, the SOU TOURISM Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be, take any measures to stop such use.

(2) Any expenses incurred by the SOU Tourism Authority under sub-section (1) shall be a sum due to the SOU Tourism Authority under this Act from the person in default.

Obligation to purchase land on refusal of permission or grant of permission in certain cases.

16. (1) Where permission for the retention or continuance or retention of use of building or work or land of the kind referred to in section 14 or section 15 is refused or is granted subject to any conditions, then, if any owner of the land claims-

- (a) in a case where such permission is refused on the ground that the land in question has become incapable of reasonable beneficial use in its existing state,
- (b) in a case where permission is granted subject to conditions, due to which the land has become incapable of reasonable beneficial use by carrying out the conditions of the permission,

he may, within the time and in the manner determined by regulations, serve on the SOU Tourism Authority a notice (herein after referred to as a purchase notice) requiring the SOU Tourism Authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on the SOU Tourism Authority under sub-section (1), the SOU Tourism Authority shall

forthwith transmit a copy of the notice to the State Government and the State Government shall, if satisfied, confirm the notice and thereupon the SOU Tourism Authority shall be deemed to be authorized to acquire the interest of the owner in accordance with the provisions of this Act, and shall serve on the owner a notice for acquiring his interest in such land on such date as the State Government may direct.

(3) If the State Government does not confirm the purchase notice, within the period of six months from the date on which the purchaser has served notice under sub-section (1), the notice shall be deemed to have been confirmed at the expiration of that period and the SOU Tourism Authority on which the notice was served shall be deemed to be authorized to acquire the interest of the owner.

17. Every permission granted or deemed to have been granted under section 14 shall remain in force for a period of one year from the date of such grant and thereafter it shall lapse:

Lapse of permission.

Provided that, the SOU Tourism Authority may, on an application from time to time, extend such period by a further period not exceeding one year at a time, so however, that the extended period shall in no case exceed three years in the aggregate:

Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.

18. (1) If it appears to the SOU Tourism Authority that it is necessary or expedient, having regard to the development plan that may have been prepared or may be under preparation or having regard to any variation made in the final development plan that any permission granted under section 14 should be revoked or modified, the SOU Tourism Authority may, after giving the person concerned an opportunity of being heard, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

Power of revocation and modification of permission to development.

Provided that where the permission relates to the carrying out of any building or other operation, in or over any land, no such order shall affect such of the operations as may have already been carried out in pursuance of the permission and no such order shall be passed after such operations have substantially progressed or have been completed.

(2) Where any permission is revoked or modified by an order made under sub-section (1) and any owner claims, within the time and in the manner as may be prescribed, compensation for the expenditure incurred in carrying out any development in accordance with such

permission which has been rendered abortive by the revocation or modification, the SOU Tourism Authority shall, after giving the owner a reasonable opportunity of being heard, assess and offer such compensation to the owner as it thinks fit.

(3) If the compensation as offered under sub-section (2) is not acceptable to the owner, he may prefer an appeal before the District Judge within a period of three months from the date of such order:

Provided that no such appeal shall be entertained if not made within the stipulated time limit.

Penalty for unauthorized development or use or continuance or retention of the use without permission.

19. (1) Any person who, whether at his own instance or at the instance of any other person, commences, undertakes or carries out development-

- (a) without any application for permission required under section 12;
- (b) which is not in accordance with any permission granted under section 13 or section 14 or is in contravention of any condition subject to which such permission has been granted;
- (c) after such permission has been duly revoked; or
- (d) in contravention of any modification made in such permission,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues after conviction for the first offence.

(2) Any person who continues to use or allows the use of any land or building or work in contravention of the provisions of a development plan or being allowed to do so under section 14 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed, or does not comply with the terms and conditions under which the continuance of such use is allowed, shall, on conviction, be punished with fine which may extend to fifty thousand rupees and in the case of a continuing offence, with a further fine which may extend to five thousand rupees for each day during which such offence continues after conviction for the first offence.

Power to require removal of unauthorized development or use.

20. (1) Where any development has been carried out in any of the circumstances referred to in sub- section (1) of section 19, or any use of

land or building or work is continued so as to constitute an offence punishable under sub-section (2) of section 19, the SOU Tourism Authority may, subject to the provisions of this section, within three years of such development, or continuance of use so made, serve on the owner a notice requiring him, within such period, being not less than one month as may be specified therein, after the service of the notice,-

- (a) to restore the land or building to its condition existing before the said development took place, in cases specified in clause (a) or clause (c) of sub-section (1) of section 19;
- (b) to secure compliance with the conditions or with the permissions as modified, as the case may be, in cases specified in clause (b) or clause (d) of sub-section (1) of section 19;
- (c) to discontinue such use of building or land or work:

Provided that where the notice requires the discontinuance of any use of land or building, the SOU Tourism Authority shall also serve a notice on the occupier.

(2) The notice under sub-section (1) may include the following, namely: -

- (a) the demolition or alteration of any building or work;
- (b) the carrying out on land of any building or other operations.

(3) Any person aggrieved by such notice may, within the period specified in the notice, make representation to the SOU Tourism Authority.

(4) The SOU Tourism Authority, after considering the representation and, if it deems fit, after providing an opportunity of being heard, may withdraw the notice fully or to the extent in respect of any of the matters specified therein:

Provided that in case where the representation is not withdrawn fully, the SOU Authority may grant a period not exceeding one month for the compliance of the matters which have not been withdrawn.

(5) In case where the owner acts in breach of the provisions of sub-section (1) or in breach of the provisions of sub-section (4), as the case may be, the SOU Tourism Authority may pass an appropriate order,-

- (a) to discontinue of any use of land or building made in contravention of the notice;
- (b) to demolish or alter any building or work or other operations, and recover the amount of any expenses incurred by it in this behalf from the owner as an arrear of land revenue, where the notice requires for demolition or alteration of any

building or work or the carrying out of any construction or other operations, for the purpose of the restoration of the building to its condition before the development took place and secure compliance with the conditions of the permission or with the permission.

(6) Whoever, contravenes clause (a) of sub-section (5) shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for each day during which such offence continues after conviction for the first offence.

Removal of unauthorized, temporary development summarily.

21. (1) Notwithstanding anything contained in this Chapter, where any person has carried out any development of a temporary nature in any of the circumstances referred to in sub-section (1) of section 20, so as to constitute an offence punishable under that section, the SOU Tourism Authority may, by an order in writing, direct such person to remove any structure or work erected within fifteen days of the receipt of such order, and if thereafter, the person does not comply with the said order, the SOU Tourism Authority may direct the Superintendent of Police, Narmada District to have such structure or work summarily removed without any notice and thereupon any such structure or work shall be summarily removed.

(2) The decision of the SOU Tourism Authority on the question as to what is development of a temporary nature shall be final.

Recovery of expenses incurred.

22. Any expenses incurred by the SOU Tourism Authority under section 20 or section 21 shall be a sum due to the SOU Tourism Authority under this Act from the person in default or the owner of the land or the building.

Development under taken on behalf of Government and SOU Tourism Authority.

23. (1) Where any Department of the Central Government or a State Government intends to carry out development of any land for any purpose of the Government or for carrying out any operational construction, it shall inform in writing the SOU Tourism Authority of its intention to do so, giving full particulars thereof, and accompanied by such documents and plans as may be prescribed at least thirty days before undertaking such development or construction.

(2) Where the SOU Tourism Authority raises any objection to the proposed development on the ground that such development is not in conformity with the provisions either of any development plan under

preparation, or development plan already sanctioned, or of any building bye-laws in force for the time being, or for any other material consideration, the Department shall-

- (i) either make necessary modifications in the proposals for development to meet the objections raised by the SOU Tourism Authority; or
- (ii) submit the proposals for development together with the objections raised by the SOU Tourism Authority to the State Government for decision.

(3) The State Government on receipt of the proposals for development together with the objections of the SOU Tourism Authority shall, either approve the proposals with or without modifications or direct the department to make such modifications in the proposals as it considers necessary in the circumstances.

(4) Where the SOU Tourism Authority intends to carry out development of land for its own purpose in the exercise of its powers under any law for the time being in force, such development shall be in conformity with the development plan and of the bye-laws or regulations relating to construction of buildings.

(5) The provisions of sections 12, 13 and 14 shall not apply to developments carried out under this section.

CHAPTER VII

TOURISM AREA PROTECTION AND MAINTENANCE

24. (1) The District Police shall assist the officers or any other persons authorized to discharge any of the provisions for enforcement of this Act particularly in respect of the following, namely:-

**District police
to assist SOU
Tourism
Authority.**

- (i) for the better protection and security of the public property within the Tourism development area including prevention of encroachments and removal thereof;
- (ii) for aiding the officers of the SOU Tourism Authority in the detection and investigation of any matter relating to leakage of revenue or any amount payable to the SOU Tourism Authority;
- (iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act or any rules or regulations made thereunder;
- (iv) to exercise such other powers and discharge such other functions as may be prescribed.

(2) Notwithstanding anything contained in the Gujarat Police Act Bom. XXII 1951, the prescribed authority, for the purposes of sub-section (1) shall of 1951. have power of superintendence over the police.

**Appointment
of Prescribed
Authority.**

25. The State Government may, by notification in *Official Gazette*, appoint any officer to be a Prescribed Authority for the Tourism development area.

**Prevention
of nuisance.**

26. Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract or usage or any order, judgment or decree of any court, no person, company, association or firm or any other body shall cause any nuisance within the Tourism development area.

**Power of
Prescribed
Authority to
prohibit
nuisance.**

27. (1) The Prescribed Authority, either on its own motion or upon a complaint received or upon reference made to him, may, by an order in writing and without giving any prior notice, prohibit any nuisance being caused or prevent any such activity, process, operation being carried out, if in his opinion, the same has damaged or deteriorated or is likely to damage or affect adversely to tourism potentiality of the Tourism development area, and pass such interim orders as it deems fit.

**Notice for
removing the
nuisance.**

(2) If, in the opinion of the Prescribed Authority, despite the actions taken by him under sub- section (1) a nuisance is continued, he shall issue notice to the person responsible for such nuisance to remove such nuisance forthwith.

**Object of
nuisance shall
stand forfeited
and vested in the
Government.**

(3) If the concerned person fails to comply with the directions under sub-section (1), the material thing or object of nuisance shall stand forfeited and vested in the State Government.

**Expenses and
costs for
removing the
nuisance.**

(4) The expenses and costs incurred, if any, in removing or abating such nuisance, shall be recovered as an arrear of land revenue from the person who has caused such nuisance.

**Dealing with the
property of
nuisance.**

(5) Any property, thing, material or object, which is a nuisance under this Act, may be disposed of or dealt with by the State Government in the manner as it may deem fit.

**Offences and
penalties.**

(6) Whoever causes the nuisance or abets the same or fails to comply with any order or directions given under this section, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or both.

(7) Any offence committed under sub-section (6) shall be cognizable and non-bailable.

28. (1) No person shall, within the Tourism development area commit or cause to commit or attempt to commit any act of toutting or malpractice against any tourist or engage in begging or in unauthorized hawking at any tourist destination and shall be dispersed by any personnel authorized by the SOU Tourism Authority;

Prohibition of certain activities in Tourism development area.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both.

CHAPTER VIII

LICENSING, REGISTRATION, RECOGNITION AND GRADING OF TOURISM TRADE RELATED ACTIVITIES

29. The SOU Tourism Authority shall regulate every category of tourism trade in the tourism development area by registering, recognition and grading in accordance with the procedures as determined by SOU Tourism Authority.

Registration, Recognition and Grading.

30. (1) The SOU Tourism Authority may, for the Tourism development area, from time to time, appoint as many tourist guides as required and specify their functions.

Appointment of Tourist Guide and licensing.

(2) The SOU Tourism Authority shall appoint the tourist guides in the manner as may be determined by it.

(3) The SOU Tourism Authority shall issue necessary license to the tourist guides containing therein the terms and conditions of such license.

(4) It shall be competent for the SOU Tourism Authority to cancel the licenses of any tourist guide if he breaches any of the terms and conditions of the licenses.

(5) No person having not been granted the license, shall act as a tourist guide.

(6) Whoever acts as a tourist guide without having the license, shall, on conviction, be punishable with imprisonment which may extend to one month.

CHAPTER IX

SOU TOURISM AUTHORITY TO BE AN INDUSTRIAL TOWNSHIP

SOU Tourism
Authority to
be an
Industrial
Township.

31. (1) The State Government may, having regard to the proviso to clause (1) of article 243Q of the Constitution of India consider the Tourism development area to be an industrial township, and may by notification, declare the Tourism development area to be a notified area:

Provided that, the State Government may, while declaring the notified area, include or exclude the village site area (*gamtal*) of a Village Panchayat or Municipal area.

(2) The provisions of sections 264B and 264C of the Gujarat Municipalities Act, 1963 shall be applicable in case the Tourism development area is declared as notified area under sub-section (1).

Guj. 34 of
1964.

CHAPTER X

FINANCE, ACCOUNTS AND ANNUAL REPORTS OF SOU TOURISM AUTHORITY

Funds of SOU
Tourism
Authority.

32. (1) The SOU Tourism Authority shall establish a fund to be called the “SOU Authority fund”.

(2) The following shall form part of, or be paid in to, the fund.

- (a) all money received by the SOU Tourism authority by way of grants, loans, advances, fees, development charges or otherwise;
- (b) all money derived from its undertakings, projects and other sources;
- (c) bequests, donations, if any.
- (d) all money received by the SOU Tourism Authority in any other manner or from any other source.

(3) The fund of the SOU Tourism Authority shall be applied towards the expenses of the authority including expenses incurred in the exercise of its powers and discharge of its functions and for achieving the objects of this Act

(4) The SOU Tourism Authority fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in any bank authorized by the State Government in this behalf or invested in such manner as may be prescribed.

2 of 1934.

(5) The State Government may make such grants, advances and loans to SOU Tourism Authority as the State Government may deem necessary for the performance of its functions under this Act on such terms and conditions as the State Government may determine.

33. The SOU Tourism Authority may, from time to time, borrow for such period and upon such terms, as the State Government may approve, any sum of money necessary for the purpose of achieving the objects of this Act.

Power of authority to borrow money.

34. (1) Any sum due to the SOU Tourism Authority under this Act shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon.

Recovery of arrears.

(2) It shall be competent for the SOU Tourism Authority to recover any sum due to it which is not paid on demand on the day on which it becomes due or on the day fixed by the SOU Tourism Authority by way of distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

35. (1) The SOU Tourism Authority shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet, in such form and in such manner as may be prescribed and shall forward to the State Government.

Accounts and Audit.

(2) The accounts of the Authority shall be audited every year by and auditor who shall be a Chartered Accountant as defined in Chartered Accountant Act, 1949 or a firm of Chartered Accountants to be appointed by the authority.

38 of 1949.

36. (1) The SOU Tourism Authority shall during each financial year, prepare an annual report giving a true and full account of its activities during the previous financial year and an account of the activities likely to be undertaken by it in current financial year and submit it to the State Government.

Annual Report.

(2) The State Government shall cause every such report along with the audited annual accounts for the year to be laid before the State Legislature as soon as may be after the receipt of the report under subsection (1).

37. The SOU Tourism shall provide to its employees the benefits of EPF scheme applicable under the prevailing law.

Provident fund.

CHAPTER XI

MISCELLANEOUS

Effect with
respect to land
right.

38. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, no person shall have any right or any claim over any land which has been acquired by the State Government or by any Government agency prior to coming into force of this Act within the Tourism Development area and had vested in it,

(2) It shall be competent for the State Government to remove any person from the land referred to in sub-section (1).

Information
on Tourism.

39. (1) Any person who is engaged in any Tourism activity or Tourism trade within the Tourism development area shall get himself registered before the SOU Tourism Authority in the manner as may be determined by it.

(2) The SOU Tourism Authority shall maintain information of all registrations made under sub-section (1) in the manner as may be determined by it.

Power of State
Government to
appoint its
employees to
any office or
post under
development
authority.

40. It shall be competent for the State Government, if it considers it necessary to do so, to appoint any employee of the State Government to any office or post under the SOU Tourism Authority upon such terms and conditions as the State Government may determine.

State
Government or
person
appointed by it
may exercise
powers, perform
duty conferred
or imposed on
SOU Tourism
Authority and
disbursement of
expense in
certain
circumstances.

41. (1) If in the opinion of the State Government, the SOU Tourism Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or a person or persons appointed in this behalf by the State Government may exercise such power or perform such duty.

(2) Any expenses incurred by the State Government or by such person or persons in exercising such power or performing such duty shall be paid out of the fund of the SOU Tourism Authority and the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such fund and such person shall be bound to comply with such order.

Power of entry.

42. (1) For the discharge of duties and functions cast under this Act any person authorized by SOU Tourism Authority or any other person authorized by the State Government or any authority shall be authorized

to enter into or upon any land or building with or without assistance:

Provided that-

- (i) no such entry shall be made except between the hours of sunrise and sunset or without giving its occupier at least 24 hours' notice in writing of the intention to enter in the case of any building used as a dwelling house or in the land wherein such building exists;
- (ii) sufficient opportunity shall be given to enable a woman to withdraw from such land or building;
- (iii) due regard shall always be had to the social and religious usages of the occupants of the land or building entered.

(2) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building shall on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

43. (1) All documents including notices and orders required by this Act or any rules or regulations made thereunder to be served upon any person shall, save as otherwise provided in this Act or rules or regulations, be deemed to be duly served, -

Service of
notice, etc.

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the railway, secretary or principal officer of the local authority, statutory authority, company, corporation, society or other body at its principal or branch office, or the local or registered office, as the case may be, and is either-

- (i) sent by registered post to such office, or
- (ii) delivered at such office;

(b) where the document is to be served on a partnership firm, addressed at its principal place of business, identifying it by the name or style under which its business is carried on and is either-

- (i) sent by registered post to such place of business, or
- (ii) delivered at the said place of business; and

(c) where any document is to be served on the owner or occupier or in any other case, if the document is addressed to the person to be served and-

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some

conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to that person.

(2) Where a document is to be served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(3) Where the person on whom a document is to be served is a minor, then service upon his guardian or any adult member of his family shall be deemed to be the valid service upon the minor.

**Public notice
how to be made
known.**

44. Every public notice given under this Act shall be in writing and shall be widely circulated in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality and by advertisement in one or more local newspapers.

**Reasonable
time for
notice.**

45. Where any notice, order or other document issued or made under this Act requires anything to be done for which no time is fixed, the notice, order or other document shall specify a reasonable time for processing the same.

**Offence by
companies.**

46. (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained above shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance, of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly :

Explanation. - For the purposes of this section-

- (a) "company" means any corporate body and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

47. (1) Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State laws for the time being in force.

Effect of other laws.

(2) Notwithstanding anything contained in any other law for the time being in force, when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

**President's Act
No. 27 of 1976.**

Bom. V of 1879.

48. In respect of the land which is included in the scheme sanctioned under the provisions of the Gujarat Town Planning and Urban Development Act, 1976, the provisions of the Gujarat Land Revenue Code, 1879, in so far as obtaining the permission of the Collector for the use of the agricultural land into any non-agriculture purpose is concerned, shall be applicable as per general or specific orders of the State Government made in this behalf.

Application of provisions of section 65 of Gujarat Land Revenue Code, 1879.

30 of 2013.

49. Land needed for the purposes of a town planning scheme, development plan or an infrastructure project under this Act shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Land deemed to be for public purpose.

45 of 1860.

50. All members, officers, and employees of the SOU Tourism Authority, and other Government Company or Agency shall, while acting or purporting to act in pursuance of the provisions of this Act or the rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, officers and employees to be public servants.

51. No suit, prosecution or other legal proceedings shall lie against the SOU Tourism Authority, other Government companies or any of their committees, members, officers and employees for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made thereunder.

Protection of action taken in good faith.

**Power of State
Government to
give directions.**

52. (1) The State Government may issue directions to the SOU Tourism Authority for carrying out the purposes of this Act and the authority shall follow such directions.

(2) While exercising its powers and discharging of its functions by SOU Tourism Authority under this Act, if any dispute arises between the authority and the State Government, the decision of the State Government on such disputes shall be final.

**Power of State
Government to
make rules.**

53. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

**Power of SOU
Tourism
Authority to
make
regulations.**

54. The SOU Tourism Authority may make regulations not inconsistent with the provisions of this Act and the rules made thereunder to carry out the purposes of this Act and for enabling it to discharge its functions under this Act.

**Power of State
Government to
remove
difficulties.**

55. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The Statue of Unity, the world's tallest statue of Shri Sardar Vallabhbhai Patel, is located on an island amidst Narmada river facing the Sardar Sarovar Dam near Kevadia, District Narmada. Built with a view to paying a befitting tribute to the Iron Man of India and to provide a source of inspiration for the generations to come, the iconic monument - Statue of Unity is a symbol of national unity and integrity.

Since its dedication to the Nation by the Hon'ble Prime Minister Shri Narendra Modi on the 31st October, 2018, it has emerged as one of the most favorite tourist destinations in the country. Surrounded by the serene environment with Vindhyaachal and Satpuda mountain ranges on either side, this place has become a prominent family tourist destination with addition of a number of allied attractions like Valley of Flowers, Vishwa Van, Jungle Safari, Cactus Garden, Butterfly Garden, Ekta Nursery, Arogya Van, Zarvani Eco-tourism & adventure sports, Khalwani Eco- tourism site, Ekta Mall, Ekta Auditorium, Children Nutrition Park, Mirror Maze, Ekta Food Court and various accommodation facilities. Around 30 million tourists have visited this place in a short spell of about 13 months.

Sustainable tourism requires development of appropriate infrastructure to meet with the needs of basic civic amenities and its proper and effective management to provide a highly satisfying experience to the visitors in a safe and secured environment. With ever increasing number of tourists with heightened interest and overwhelming response from the tourists from all over the country and abroad, the State Government has felt an imminent need of developing the area. Therefore, the State Government has deemed it fit to establish an Authority, namely the Statue of Unity Area Development and Tourism Governance Authority, which would ensure expeditious and planned development of the area, provide appropriate civic amenities and regulate tourism activities so as to provide secure and safe tourism for the tourists. The tourism activities and services considered here may be including but not limited to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, Tourism, hospitality, health, housing, entertainment, research and development, education and training, skill development, information and communication, management and consultancy, corporate offices and the activities and services connected therewith or incidental thereto and other activities including the economic activities.

This Bill, therefore, proposes to establish the above stated Authority which shall exercise such powers and perform such duties as enumerated in the Bill. The Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill: -

Clause 1.- This clause provides for the short title, extent and commencement of the Act.

Clause 2.- This clauses provides for certain terms used in the Bill.

Clause 3.- This clause provides for declaration of Tourist development area in and around Kevadiya by State Government.

Clause 4.- This clause provides for constitution of SOU Tourism Authority and the members of the said authority.

Clauses 5 to 8.- These clauses provide for the administration and conduct of businesses of the authority.

Clause 9.- This clause provides for the powers and the functions of the SOU Tourism Authority.

Clause 10.- This clause provides for the application of Gujarat Town Planning and the Urban Development Act, 1976 in the matters related to preparation of development plan and Town Planning Schemes.

Clauses 11 to 23.- These clauses provide for the control, regulation and development in Tourism development area, it deals with the granting of permission for development activities and dealing with the illegal structures.

Clauses 24 to 28.- These clauses provide for the Tourism area protection and maintenance including security of tourists, prevention of nuisance, penalties for offences and prohibition of activities deterrent to Tourism development.

Clauses 29 and 30.- These clauses provide for the registration, recognition and grading of different category of Tourism trade and also provides for the appointment and licensing of Tourist guide.

Clause 31.- This clause provides for applying the provisions of Article 243Q in case State Government desires to give the powers of Municipal Governance to the SOU Tourism Authority.

Clauses 32 to 37.- These clauses provide for the finance, accounts and annual reports of SOU Tourism Authority.

Clause 38.- This clause provides for the effect with respect to land right, which has been acquired by the state Government or by any Government agency, prior to coming into force of the Act.

Clause 39.- This clause provides for the registration of the person who is engaged in any tourism activity of tourism trade, within the Tourism development area.

Clause 40.- This clause provides for appointment of any employee of State Government in the office of SOU Tourism Authority.

Clause 41.- This clause provides for appointment of person or persons, in case SOU Tourism Authority fails to exercise powers, perform duty conferred or imposed on SOU Tourism Authority and disbursement of expense in certain circumstances.

Clause 42.- This clause provides for authorized person to enter into or upon any land or in building.

Clauses 43 to 45.- These clauses provides for the provisions regarding service of notice and public nuisance.

Clause 46.- This clause provides for the provisions related to offence by companies

Clause 47.- This clause provides for the effect of other State laws, which are in force.

Clause 48.- This clause provides for application of section 65 of Gujarat Land Revenue Code, 1879.

Clause 49.- This clause provides for provisions for considering the land needed for various purposes of this Act to be land needed for public purpose.

Clause 50.- This clause provides for considering the members, officers and employees of SOU Tourism Authority, to be public servants.

Clause 51.- This clause provides for bar of legal proceedings in respect of anything done in good faith.

Clauses 52 to 54.- These clauses provides for power of State Government to give directions, power of State Government to make rules, regulations and power of SOU Tourism Authority to make regulations.

Clause 55.- This clause provides for the power of State Government to remove difficulties arising within two years from the commencement of the Act.

NITIN PATEL,

FINACIAL MEMORANDUM

The Statue Of Unity Area Development and Tourism Governance Bill, 2019, if enacted and brought into force, would involve expenditure from the Consolidated Fund of the State for the discharge of functions and duties by the SOU Tourism Authority, which may be rupees ten crores.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects: -

Clause 1. - Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2. - Sub-clause (u) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the activities other than the activities as mentioned therein, including the economic activities.

Clause 3. - This clause empowers the State Government, by notification in the *Official Gazette*,

- (i) to declare the area in and around Kevadia, District Narmada and in the vicinity of Statue Of Unity to be the Tourism development area;
- (ii) to define the limits of the area to which it relates;
- (iii) to extend the Tourism development area as and when it deems fit

Clause 4. - (i) Sub-clause (1) of this clause empowers the State Government to constitute, by notification in the *Official Gazette*, an authority to be called the SOU Tourism Authority;

(ii) proviso to sub-clause (2) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the headquarters other than Kevadia, District Narmada to be the headquarters of the SOU Tourism Authority;

(iii) para (b) of sub-clause (3) of this clause empowers the State Government to prescribe rules subject to which the Chairman shall have powers to co-opt the members, not exceeding three, in the SOU Tourism Authority.

Clause 5. - (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the term of office, conditions of service and powers and functions of the Chairman, Vice- Chairman, the Member-Secretary, the Chief Executive Officer and members appointed under sub-clause (xix) of sub-section (4) of section 4 of the SOU Tourism Authority;

(ii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, conditions of service of the members of the SOU Tourism Authority other than *ex-officio* members;

Clause 6. - Sub-clause (3) of this clause empowers the State Government to appoint, prescribe conditions of services of the officers and employees of the SOU tourism authority.

Clause 9. - Sub-clause (3) of this clause empowers the State Government to delegate, by notification in the *Official Gazette*, any of the powers and functions of the SOU Tourism Authority to the local authority or authorities or an officer within its jurisdiction.

Clause 14. - Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the form in which the SOU Tourism Authority shall grant or refuse the permission for development in any building or over any land within the limits of the Tourism development area.

Clause 15. - Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the inquiry against unauthorized construction shall be held.

Clause 25. - This clause empowers the State Government to appoint by notification in the *Official Gazette*, any officer to be a Prescribed Authority for the Tourism development area.

Clause 32. - Sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which SOU Tourism Authority fund shall be invested.

Clause 35. - Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the SOU Tourism Authority shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet.

Clause 53. - Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 55. - Sub-clause (1) of this clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years.

The matters in respect of which the said rules and regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 7th December, 2019.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

K. M. LALA,

Dated the 7th December, 2019

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.
